OUTPOSTS OF CIVILIZATION

W. A. CHALFANT

CALIFORNIA
WESTERN
AMERICANA

CALIFORNIA-WESTERN AMERICANA
R CHALFANT
978 OUTPOSTS OF CIVILI-
ZATION.
250
135229

R CHALFANT
978 OUTPOSTS OF CIVILIZATION.
135229
CALIFORNIA-WESTERN AMERICANA

Santa Clara County Free Library

California

Alum Rock
Campbell
Cupertino
Gilroy
Los Altos { Main / Woodland
Milpitas { Calaveras / Community Center / Sunnyhills
Morgan Hill
Saratoga { Main / Village
Stanford-Escondido

Reference Center—Cupertino
For Bookmobile Service, request schedule

SANTA CLARA COUNTY FREE LIBRARY
SAN JOSE, CALIF.
RESEARCH CENTER AUG 3 1977

MAY 6

Santa Clara County Free Library

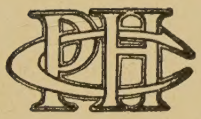
REFERENCE

5816

Outposts of Civilization

BY

W. A. CHALFANT
Author of "The Story of Inyo"



SANTA CLARA COUNTY FREE LIBRARY
SAN JOSE, CALIF.

135229

The Christopher Publishing House
Boston, U. S. A.

SANTA CLARA COUNTY LIBRARY
3 3305 00147 4513

COPYRIGHT 1928
BY THE CHRISTOPHER PUBLISHING HOUSE

PRINTED IN THE UNITED STATES OF AMERICA

SANTA CLARA COUNTY FREE LIBRARY
SAN JOSE, CALIF.

978
C43

"The giants with hopes audacious, the giants with iron limb;
The giants who journeyed westward when the trails were new and dim;
The giants who felled the forests, made pathways over the snows,
And planted the vine and fig-tree where the mazanita grows;
Who swept down the mountain gorges, and painted their endless night
With their cabins, rudely fashioned, and their campfires' ruddy light;
Who builded towns and cities, swung back the Golden Gate,
And hewed from the mighty ashlar the form of a sovereign State;
Who came like a flood of waters to a thirsty desert plain,
And where there had been no reapers grew valleys of golden grain.

. . . . . .

I drink alone in silence to the 'Builders of the West'—
Long life to the hearts still beating, and peace to the hearts at rest."

—Rollin M. Daggett.

135229

FOREWORD

The growth of the West from inception of settlement to lusty manhood was a period unique in history; a period of venture and adventure, of daring and doing and dying. Its stories are found in pioneer newspapers, in many volumes, in unprinted letters and manuscripts. Most of the early books are out of print, and as inaccessible to the general public as are the newspaper files and the letters.

In what men told or wrote of the mining camps, chief attention was given to the unusual and exciting. Solid facts of orderly progress, dissertations on industrial opportunities, such details and statistics as are expected of present-day investigators, doubtless would have been of more practical value, but received slight attention. If such subjects alone made up the record of "The Old West," there would have been no "Old West" to claim the interest now given to it. The period would have been merely the earlier years of to-day's orderliness, instead of a distinct epoch.

This volume is a rearrangement of selections from more than 250 newspaper serial articles, compiled by its author from many separate and authentic sources. The field could not be fully covered in less than a fair-sized library, but some idea of the prevailing atmosphere of pioneer times may be afforded. While the topics are not all connected, each chapter is a unified statement of facts on the particular subject, generally more complete than can be found in any other one volume, or volumes. It is not a pastoral story; neither was the time treated a pastoral, prosaic period.

So many sources, old books, newspaper files, letters, more than forty manuscripts written for the newspaper series mentioned, by men with first-hand knowledge, have been drawn upon in this work that if authorities for each statement were given the reader might pardonably wonder if the purpose were not to parade the research made. References and authorities are stated only incidentally, for sufficient reasons in each instance. Making a page bristle with references is doubtless necessary in some books, and

in any case gives an air of authenticity. It makes no difference that not one reader in fifty ever checks up on such references; the thing has the right sort of look anyway. Absence of such interruptions in these narratives is not to be taken as indicating either lack of authority or lack of care in compilation; the chapters are believed to be as reliably accurate in statements of fact as is now possible. The most searching investigator will find no occasion for exceptions on that account.

Although omitting mention of more information sources than there are pages in this volume, acknowledgment is made to "The Pony Express," by Visscher; an article bearing the same title by Dr. Owen C. Coy and published in "The Grizzly Bear," magazine of the Native Sons of the Golden West; "The Overland Stage to California," by Root; and Thompson & West's "History of Nevada," for most, though not all, of the facts and figures on those two subjects; and to C. C. Goodwin's writings for most of the Nevada stagedriver reminiscences.

Outposts of Civilization

THE OLD WEST

We, incredulous moderns that we are, refuse to believe that Ali Baba opened the way to the robbers' treasure by the command "Open, sesame!" Yet we can instantly paint wondrous pictures on the canvas of the mind by the simple phrase "The Old West." Whether the revealed vision be dim or bright, individual experience or imagination may control, but some such vision exists.

The picture shows far-reaching lands unscarred by works of man; bonneted braves, sole human possessors of an imperial domain, theirs wherever they chose to roam, in an area so vast that if it were divided in equal proportion each warrior might have a dozen leagues for the dooryard of his family tepee, and there abide

> "With the odors of the forest,
> With the dew and damp of meadows,
> With the curling smoke of wigwams,
> With the rushing of great rivers."

On this thought-canvas are forests into which no ringing blade has bitten, under whose wind-tossed canopies stand columns that are to bear their share in the building of many cities; there are vast plains mantled in sage, and others of springtime green or autumn brown; there are wastes burned by countless suns, dotted here and there with whitened bones or with gleaming, mineral-crusted surfaces. Across gray plains are flung emerald ribbons, fringing streams on their unfettered ways to lake or ocean. Nearer the gold coast, dark islets of oak rise from seas of golden poppies.

Millions of buffalo dot the plains, their deliberate movements becoming stampedes as almost unclad warriors ride their grass-

bridled mounts along the bovine army and pour clouds of arrows into it, by way of improving the camp larder.

The scenes change. The venturesome trapper appears, garbed in skins that earlier clad the victims of his wiles. He builds friendship with his savage neighbors by tribal adoption and marriage, and, annually perhaps, journeys with his takings to distant rude frontier settlements, there to have his fling of dissipation and to lay in stocks of such goods as will serve in traffic with the natives with whom he expects to come in contact another season. Companies like himself follow his trail back into the wilds, and other men with trade in view establish outposts and forts.

News goes "back East" that gold has been found on the shores of the Pacific, and caravans begin and multiply. The covered wagon comes into view. Yoked oxen plod submissively across trails that their unenslaved cousins have trampled during centuries, and wheelmarks of toiling caravans lead toward the sunset. Buffalo herds withdraw from hereditary ranges before the drover and his herds. The grizzly sullenly lumbers from the broad valleys he and his progenitors have possessed at will, and seeks refuge in mountain fastnesses. And there he is again disturbed by man, the most courageous and self-reliant from all states and countries, in the quest for gold. Rude habitations spring up along the ways of the travelers, to minister to their wants. Campfires gleam among the pines, madroño and chaparral of a thousand California hillsides. Settlements, picturesque in all else as in their naming, neighbor foaming torrents. Remote places are invaded one by one, in the hunt for unminted wealth. Pan and rocker take their toll of discovered treasure, and hydraulic giants bite the flanks of age-old hills and stain the rivers. Belching smokestacks taint the air of sunny skies, and roaring, clattering machinery makes a feeble break in the great silence.

Perhaps the most insistent impression of "the old West" is not of the more attractive features and the natural beauty, but of the red law that ruled. One recalls that the pistol and the knife were the arguments and arbiters; that there were few forms of law, and that if justice came at all it was swift and effective; that men adjusted differences without recourse to distant and devious courts; that communities were sometimes terror-inspiring in resenting wanton crime, but often indifferent provided that "an

even break" had been given to the loser of a fatal controversy.

There sprang into being a society in which there was very little indeed of the artificial, and in which men became known for what they were, stripped of the veneer of hypocrisy which many of them would have continued to wear under more repressive conditions and a more orderly state of public opinion. It made little difference what a man had been "back in the States;" it was what he was in the camps that counted. He was seldom long in finding his own level. And some of that same standard of judgment has descended to the sons and daughters of those pioneers, and tinges the West to-day.

THE CRIMSON SMEAR

However one might be disposed to ignore the criminal record of the Great Basin region, it is as conspicuous on the figurative page of history as a crimson smear would be on a literal page. Mark Twain observes that to write of that period and ignore its carnage would be like writing of Mormonism without referring to polygamy.

The real builders of the West were no weaklings. Men of initiative and enterprise ventured, else no venturing would have been done. Those were the salt of the earth, high in every item of character. Some of the nation's finest learned and taught in those schools of experience. As in a furnace, the fires of severe and unique tests separated the pure gold from the dross.

Jostling elbows with the real men of the time came the vicious and depraved, flocking like buzzards to easy pickings. The wave of settlement bore on its crest the scum and froth. Court-free regions appealed to those who sought escape from consequences of crimes committed elsewhere. There was often more truth than jest in objections to answering questions about one's name or record "back in the States."

Communication was the poorest—rarely a telegraph line, mails slow and uncertain, roads merely rutted wheelmarks. Serious pursuit of malefactors, except in an occasional particularly flagrant case, was unusual; private vengeance was more feared than the law. Thus a new mining camp offered not only a fresh field of operations for the predatory, but a fairly safe refuge as well.

There was, in the beginning of such camps, no law save such as the inhabitants were driven to make for their own protection. Lawyers were not altogether welcome, and frequently the primitive codes and courts had no more of legal formality than untrained and impatient laymen were willing to put into them. In some cases, there was uncertainty not only as to what half-established county government might have jurisdiction, but even as to the State or Territory in which the place was situated. The reminiscences of a pioneer who afterward became a State Governor contain this statement: "I doubt if any one knew or cared whether we were in Utah, Nevada or California."

When the isolated camp devised its own effort at protective rules, the resulting code was terse and direct. Fine-spun legal points had no place in popular legislation, as for example in these "Rules and Regulations" adopted by the miners of Gold Hill, Nevada:

"Section 1—Any person who shall willfully and with malice aforethought take the life of any person shall upon being duly convicted thereof suffer the penalty of death by hanging.

"Sec. 2—Any person who shall willfully wound another shall, upon conviction thereof, suffer such penalty as the jury may designate.

"Sec. 3—Any person found guilty of robbery or theft shall, upon conviction thereof, be punished with stripes or banishment as the jury may determine.

"Sec. 4—Any person found guilty of assault and battery, or exhibiting deadly weapons, shall upon conviction, be fined or banished as the jury may determine.

"Sec. 5—No banking game under any consideration shall be allowed in this district, under the penalty of final banishment from the district."

Herein are no definitions of degrees of crime, no involved explanations or details of how or when or by whom the sentences of convicted culprits should be put into effect. Every man in the district knew that the promised "stripes" would not be carefully drawn with a paint brush. Every one knew what a "banking game" was, even if in these tamer days the reader does not, so why burden the laboriously written pages with a mass of descriptive language? The jury said its say, and all that remained was for outraged public opinion to carry out the edict in its own way, probably with assistance of jury and judge as well; there was no long-drawn appeal. Though the "Rules and Regulations" might not specify who should lay on the stripes or tie the hangman's knot, or what time should be given the prisoner to prepare for his fate, that unhappy and erring individual had more reason to believe that the punishment would come, and without irritating delays, than have the guilty who are brought before the courts of to-day. In fact, he was fortunate to have been given some sort of hearing, instead of having the sentence anticipated and inquiry made as an afterthought. It is recorded that in one California community a mob hanged a man for supposed horse-stealing, but afterward discovered that he was inno-

cent. The mob's messenger broke the news to the victim's widow in this manner: "We hanged Jim for stealing a horse, but come to find out he didn't do it, so I guess the joke's on us."

The latitude allowed the jury in fixing punishment was wide, it will be noted, and the execution of sentence was equally liberal. During the very brief life of the "Rules and Regulations" a jury directed that two cattle thieves should each have an ear cut off. In another case of like nature, the sentence was that the culprit should have his left ear cut off. The hilarity with which he accepted the sentence was better understood when on starting to carry out the sentence it was found that his long hair concealed an already cropped left ear. Nothing daunted, the jury went into session again and revised its sentence so as to direct the removal of his right ear. When the executioner had evened up the prisoner's appearance by carrying out the amended order, we may imagine that he anticipated a modern phrase by telling the prisoner to "laugh that off if you can."

McGroarty's "California" observes: "Among the hordes of gold-seekers the dominant force was that of American men, born and reared in an atmosphere of law and order and decency in distant portions of the continent. These men soon placed themselves in touch with one another, called public meetings and formed mining and other laws to govern themselves and the alien as well. They also created a crude but effective code of punishment for crime. The thief was flogged in public and murderers and horsethieves were hanged to trees." The same author quotes a pioneer, afterward Governor of Illinois, who wrote concerning "the days of Forty Nine:" "I was present one afternoon just outside the city limits of Nevada City and saw with painful satisfaction Charley Williams whack three of our follow citizens over the bare backs twenty-one to forty strokes for stealing a neighbor's money." Another writing on that period says that theft was more likely to bring punishment than murder, on the theory that human beings could protect themselves, while property was helpless.

It would seem that the coming of courts increased rather than decreased crime. Offenders were freed from the dangers of "popular tribunals," while the feeble courts and legal processes failed in their duty. Officers were not infrequently named by factions for purposes of their own. Now and then they were members of criminal bands who thus secured immunity by hav-

ing "a friend at court." Occasionally the officer himself was the leader of organized malefactors. Jack Williams, officer in Virginia City, Nevada, was one of that camp's most notorious criminals. Henry Plummer, in Montana, headed a large gang of murderers and plunderers, and for greater security had himself elected Sheriff and named two of his principal criminal lieutenants as his chief deputies. In that instance, the supreme law, the outraged people themselves, took a hand, and by hanging an even two dozen of the gang greatly improved the Montana situation. Sometimes those chosen as officers were men of good character and intentions, but lacking in stamina. And rarely came some one with the courage to be "the law west of the Pecos."

With the best of intentions, judges and juries could not punish when perjured evidence on behalf of the accused was readily supplied by fellow gangsters or others who themselves might sooner or later require such kindly aid. Again, the possibility that unfavorable evidence or an unfavorable verdict might invite vengeance often tempered justice with the extremest mercy, or kept necessary witnesses silent. Rapid shifts of population was another factor. A few months delay was equivalent to ultimate acquittal, witnesses moving on to other scenes, sometimes for personal safety, sometimes with freshly padded pocketbooks.

That was the hey-day of the genus "bad man," when in certain vicious circles gun-butt notches (each indicating a killing) were marks of envied distinction. When persons of that stripe worked on each other, it was a community gain. Society was ahead by the removal of some scoundrel who had escaped justice of a more conventional kind, and the better citizens were satisfied.

When the victim was not of the murderer, gambler or horse-thief sort, the more decent residents might conclude that freedom of action had been somewhat abused. In such cases, vigilantes prepared the murderer for permanent location on Boot Hill, in Sourdough Gulch, or whatever the local burying ground had been dubbed. His fellows were notified to make themselves scarce, and the moral atmosphere of the camp was bettered. Compliance with vigilante suggestions for a change of residence was advisable. One man, in his later years a well conducted citizen, told of being one of three who received such orders in a Tuolumne county, California, mining camp. "Did you go?" he was asked. "Yes, I went." "Did the others go?" "No, they're there yet."

Without exception, so far as available records reveal, vigilante

activities meted out substantial even though illegal justice, and performed necessary duties that were beyond the hamstrung courts. It was sometimes suggested that mobs did not go far enough, as in an instance where a pioneer newspaper, after the lynching of a cold-blooded murderer who had been freed by a court, observed: "We have seen the workings of a good many vigilance committees, and they always accomplished good to society. However, we never yet saw one start in on officers and juries. How would it do, where some desperado is on trial for aggravated murder and is acquitted, against all evidence and justice, to have a dozen good ropes handy and meet them as they came out of the court room?"

What has been here written may seem to some extent a defense of the organized vigilance committees of the early days. They need no defense, unless in the opinions of those to whom the mere forms of law are everything, justice and the protection of society immaterial. With some exceptions, the vigilance committees were necessities, nothing less. They are not to be judged with the mobs that sometimes stain to-day's records. When they struck, it was because there was no other recourse for the safety of life and property. Their leaders were generally the best citizens of the community—men who had seen justice flouted to unbearable degrees; men who had patiently seen the vicious go to the uttermost limits encouraged by the lack of womanly and home influence, the absence of a right public opinion, the absence of legal control, and by almost universal indulgence in liquor that brought the worst in every potential criminal to the surface. Every vigilance committee was built on a substantial foundation of essential morality among the better classes, and on a sense of justice which remained dormant until some extreme emergency, or persistence of conditions beyond the bearable limit, brought out a power until then submissive. As Bancroft's History of California observes: "The people became sheriff, jury, judge and executioner. Lynching became common, and was often justifiable, for what was to be done with a redhanded murderer or a highwayman by a community which had no prison, and whose sheriff, for all they knew to the contrary, might be in collusion with the criminal."

Among the self-constituted agencies for remedy of evils—in other words, vigilance committees—those of San Francisco are the most noted. If any reader's taste runs to investigation of

this theme beyond the merely illustrative instances given in this book, he will find plenty about it in "The Vigilantes of Montana," published by Thomas J. Dimsdale in 1865. In thirty-three chapters its writer tells of 102 murders committed by the Plummer cutthroats and the execution of 24 of the criminals by "people's courts" of the kind mentioned. In concluding his gory record, he observes: "Peace, order and prosperity are the results of the conduct of the vigilantes. . . Only on occasions of great necessity should the vigilantes let their power be known. . . But peace and justice are rights, and it is what the citizens will have; courts are only means to an end, and if they fail, the people, the republic that created them, can do their work for them. . . Less than three years ago this house of well ordered industry was a den of cutthroats and murderers. Who has effected the change? The vigilantes; and there is nothing in their record for which an apology is either necessary or expedient. Look at Montana, that has a committee, and turn to Idaho, that has none. Our own peaceful current of territorial life runs smoothly, and more placidly indeed than the Eastern States to-day; but in Idaho, one of their own papers lately asserted that in one county 60 homicides had been committed, without a conviction. Leave us the power of the people as a last resort, and where governments break down the citizens will save the state." His view coincided with that of a Californian who wrote: "There's nothing like lynch law, after all; it's so prompt and so effectual."

But the vigilantes played a very small part indeed. Crime for the most part ran on almost unchecked, in many communities. There was too much justification for the belief that men were their own law, in a period of quick triggers, general carrying of weapons, and unbridled passions. Not even the fanciful pictures drawn by Alfred Henry Lewis in his Arizona fiction go beyond the shocking facts of some actual occurrences. Human life was the least important item to a certain class. Their own lives were of course always the exception; and it is not surprising to find that in many such cases the most ruthless and merciless of such killers were abject in cowardice when their own too long delayed extinction was at hand.

Conditions were generally uniform throughout and bordering on the Great Basin, that region between the Rockies and the Sierras. It is said that the graveyard at old Pioche, Nevada, contained the bodies of 119 murdered men, and that one line of

43 graves was known as "Murderers' Row." Statistics compiled for Thompson & West's "History of Nevada," published in 1881, purporting to cover the period from 1859 to 1880, gave the following figures for that State:

Homicides, 402.

Murderers legally hanged, 8; suicided, 3.

Lynched, 13.

Sent to penitentiary, 23. (In many cases the penitentiary sentence was but a shadowy concession to justice, a mere slap on the wrist for an atrocious offense.)

Acquitted or discharged, 39.

Not arrested or called to legal account in any manner whatsoever, *three hundred and sixteen!*

This showing of prevalent indifference to crime is admitted by its compiler to be incomplete. Other records establish this incompleteness; for instance, the detailed enumeration by Thompson & West includes six murders in the vicinity of Aurora to the beginning of 1864, while a grand jury meeting in that town in March of that year declared that within the preceding three years twenty-seven citizens within its jurisdiction had met death by violence. Possibly the historians were more thorough and accurate in their search for facts in other parts of the State—possibly not. Their court record should be fairly complete. The homicide figures fail to tell the full story, at the best—or worst.

But after all, why hold up the Great Basin region as a frightful example of lawlessness? Say the crime record is incomplete, and that the murders were twice as many as stated, as is a possibility—we still have about one offense in eight given some sort of legal attention, and one in twenty punished to some extent, even though inadequately. Compare that with California's first years, as noted by Bancroft's History of California: "From 1849 to 1854 inclusive, 4200 murders were committed in California. In San Francisco there were 1200, and only one conviction."

DEAD MINING CAMPS

While the California Argonaut and his successors mined beside rushing rivers, and his campfire smoke rose through pine boughs in a land "where every prospect pleases and only man is vile," mineral treasures of the Great Basin were seldom found amid scenic beauty. The hills were devoid of greenery, and music of running waters was rarely to be heard near the ledges of gold and silver.

A strike, if of promise, quickly became known throughout the country between the great ranges. The lucky finder, if secretive regarding the site of his discovery, was persistently trailed to find the source of his rich specimens. Once locating began, prospectors flocked into the neighborhood, often leaving good claims or situations in the hope that the uncertainty they followed would pay still better.

Probably the first settler in a camp sat beside an outdoor fire, without any sort of shelter. Then came tents or habitations of a sort, along the canyon floor or on the sage-covered "flat." Dug-outs, brush hovels not a shade better than those of the Indians, cabins made of packing boxes and roofed with tin cans flattened into sheets, made up the beginnings. Two historic domiciles in two well known camps were made of beer bottles—then not hard to get—laid head and bottom alternately, and cemented in place with native mud. In time came board shanties and a "Main street" marked by rows of single-story frame buildings. Saloons loomed large in the business center, their freedom of action and outpouring of noise, if the place became lively, lasting twenty-four hours daily, seven days in the week. Their moral tone was equalled by that of other dens, all advertising their presence by not only the looseness of alcoholized tongues but also by the tinkle of abused pianos, pounded by waifs who had seen better surroundings, and the outpourings of violins, guitars and harps. Here and there a wooden sidewalk afforded better footing than the street, with its soil crushed to powder by hoofs and wheels.

In time there came brick or stone buildings, the more conspicuous by their contrast with the wooden shacks at their elbows.

Then too came all the advantages of the period, so far as open purses could bring them. Sometimes there was some slight degree of social classification, but rarely such close drawing of lines as to prevent the judge and the gambler, the legislator and the barkeeper, fraternizing at the gaming table in the common quest for excitement as much as for wealth. If the mines continued to be worked, and were not forsaken for some other "excitement," the place took on all the features of an established town, or even merited the term "city" which was usually made a part of its name even before a single lot had been surveyed.

The camp that "went down," or failed, became a melancholy monument, until time and the elements erased its site and even its very name from general knowledge. An observer who traveled through much of Nevada over forty years ago wrote: "It is already strewn with ruins that seem as gray and time-worn as if the civilization to which they belonged had perished centuries ago. I think I have seen at least five of these deserted towns and villages for every one in ordinary life."

Processes of decay were not infrequently hastened by fire. An upset kerosene lamp, a treacherous oil stove, a neglected stovepipe, occasionally afforded legitimate explanation. Now and then some individual's desire to convert high-priced insurance into ready assets produced a scene of grand destruction among the tinder-dry and unprotected wooden structures.

If the mines were productive and located in close proximity, trespasses occurred; gun fights, which were not important in hastening the end, and litigation, which was sometimes very important, followed, and the knell of that camp was sounded. Those who could do so moved on to a fresh "excitement," and town lots which a few months earlier sold at thousands of dollars could be had for the cost of the nails in the buildings standing upon them.

The site of an abandoned camp, the graveyard of many buoyant hopes, is full of interest. It sits in the pure desert air, in the silence of the tomb. There may be a tall smokestack of solid masonry, still successfully defying the elements. There are masses of rusted iron, once machinery hauled to the place at heavy expense; perhaps it became useless by the development of better methods, perhaps abandoned because its transportation to another field was not justified. In such a situation, one cannot help reflecting on the waste of money through such abandonments.

There are rusted heaps where were dumped the cans in which came the "fresh fruits" and "cream" served in "The Palace," "Delmonico's" and other high-titled restaurants—"hash houses" in usual parlance—in which clouds of flies freely shared with humanity in food inspection and consumption. There may be the "big mill," from the roof of which rises an iron smokestack reddened beyond the power of any fire at its base, and the silent whistle. Within, rough boards and earthen floor alike will reveal, when the covering sand is scraped away, dust from the ores which the batteries, with demoniac clatter, crushed to powder.

There are a few cabins, their material too poor to justify having been taken away. Such doors as wanderers have not appropriated for other uses still sag drunkenly, unless their strap-leather hinges have rotted to the breaking point. The floors are covered with drifting sands, and rough tables and bunks show on their dust-laden surfaces prints of the feet of tiny creatures of the wild. The shack's single window, long devoid of glass if it ever had any, looks out, an empty socket. Unpainted wooden walls have weathered until the lumber's grain stands out in longitudinal ribs. Each nail is the nucleus of a black comet, from which rains have washed an iron-stained tail earthward. Each nailhole might be an eye dripping black tears for the desolation which has taken the place of once brisk activity in the scene before it.

If larger buildings yet remain, it may be that a search in one—mayhap the "Magnolia," "Temple of Folly," or "Bank Exchange" (all bona fide names of such places)—will disclose punctures made by stray bullets in the course of arguments which the fires of alcohol helped to heat. The doorways stand open more continuously than in their days of service, and with Omar we realize that "the lion and the lizard keep the courts where Jamschyd reveled and drank deep."

Imagination can picture these streets, now silent as death, once teeming with the affairs of men; stages from one place or another rolling in, bringing the calico of virtue and the silk of vice, the solid business man and the jackal gambler, passengers, vehicles and animals alike grimed with the dust of the road; ore wagons moving to the mill, their drivers masked by dirt caked with perspiration, and the team a uniform gray whatever the original colors; the saloons with roaring crowds of men; the gambling house, with its green-eyeshaded minions in attire as

faultless as the camp afforded, its click of chips and clink of coin, its elation and its despair.

If one is lucky enough to find a surviving resident, one of those optimistic souls who did not join in the migration and who insists that "the old camp is shore to come back," he will point out this place and that of interest. In doing so he will bear out the statement on an earlier page, that only the exciting events are recalled; he will say little about the solid facts of the place, and that little not altogether to be relied on. More stress is apt to be laid on the place where Shorty laid for Tex, where the superintendent of the True Blue was killed by a drunken and disgruntled employee, and where the pole stood on which the unwise employee expiated his crime.

Such are some of the characteristics of the dead camps. More or less of this will fit each of them. In time, the old survivor—perhaps virtually pensioned in the guise of a watchman's pay—will be buried with his hopes. Nature's work of removing the puny intrusions of mankind will advance without interference, and the place will become almost as if it had never been. Bits of glass glittering in the sand, a scrap of rusted iron, a partly filled old excavation, an old ore dump or the yawning mouth of a tunnel, will cause some wanderer to "wonder what camp this was." Sagebrush will grow in the soil that fills the ruts of old-time traffic, and the coyote and lizard will have the solitude for their own.

EARLY-DAY TRANSPORTATION

To refer at any length to the California gold rush would be but to repeat a story told a thousand times before. As the reports of golden rivers near the Pacific circulated, ships started from the world's ports to the new Golconda; the four that dropped their anchors in San Francisco bay one year were succeeded by 700 the next. The Isthmian route, with its fevers and dangers, and the passage "around the Horn," consuming months, each brought their thousands. "Across the plains," on horseback, with ox teams, through unforeseen perils of savage marauders and no less savage natural conditions, disease, famine, privations of all kinds, along routes almost as well marked by bones and graves as otherwise, the stream poured. By June 18, 1850, 39,000 emigrants had been registered at Fort Laramie, and it was estimated that 60,000 had set out to cross the plains by the South Pass route alone. The first travelers fared not so badly in the way of feed for their animals, but the mighty procession swept off every green thing in its path; by the month of August scarcely a blade of grass was to be seen along a stretch of 200 miles. For nearly that whole distance (through central Nevada) the route had become a continuous marsh, in which cattle were miring and dying by the hundreds. Within a radius of 50 miles from Humboldt lake the country was literally strewn with carcasses, and the terrible effluvia from the rotting bodies tainted the air for miles around. (Report of Capt. Findley, Co. B, U. S. Artillery, under Col. Fremont.) But the stream was unbroken, until before the nation fully appreciated that an empire had grown in the Far West, a star for a new State had been added to the flag.

While, as will hereafter be shown, establishing communication across the continent was one of the pressing problems of the days of gold, expresses and posts between the scattered camps along the Pacific Coast were begun as soon as the necessity became clear. The idea of a commercial express was new, for the first in America began running between New York and Boston only nine years before Marshall's epoch-making find at Sutter's Mill. The first in California was started by Alexander H. Todd, between San

Francisco and "the diggings" up along the Sacramento and its tributaries. His system was extended into Oregon, and imitators and rivals soon appeared. Wm. H. Ballou started his line to "the Southern Mines," in Tuolumne and Mariposa counties, and others entered the field, until at least fifteen individuals or companies, six of them with their principal offices in San Francisco, were in the express business.

Wells, Fargo & Company incorporated in New York in 1852 to extend the business of Livingston & Wells to the west coast. Gregory & Co., a rival company, failed that same year; and when the financial difficulties of Adams & Co.'s Express culminated in 1855, Wells, Fargo & Co. succeeded to ascendancy in the West.

In passenger and mail communication, when California was admitted to the Union, the Panama route offered the most dependable service, if such a term can be applied to it. Twenty-two days was the shortest record for the trip, which was monthly at first, then semi-monthly. Its uncertainty is shown by the fact that mail leaving New York in November, 1850, did not reach San Francisco until March, 1851. There was pressing need for better and quicker communication. Gold was pouring easterly, in unprecedented quantity, while the Coast made heavy demands for wares and merchandise. It appears that travel was given less thought, though it is probable that while William M. Gwin was horseback riding from California to the Missouri, in 1854, on his way to take up his duties as a Senator, this phase of the question made a strong appeal to him.

Feeble government recognition of the need was given when on April 25, 1851, a contract was made with A. Woodard & Co. (George Chorpenning being the "Co.") to carry mail monthly between Sacramento and Salt Lake City, to which point mails were already being carried, beginning in July, 1850, from Independence, Missouri. Certainly there was no "big business" behind this perilous undertaking, for Woodard himself rode a mule over part of the 750-mile journey across the deserts. He made a few journeys safely; but in September, 1851, Woodard, John Hawthorne and Oscar Fitzer, riding with him, failed to reach their destination. Some time later a traveler found their mangled remains in western Nevada, where Indians had slain them in revenge for wanton murders committed by villains who appeared to think it praiseworthy to slaughter the almost defenseless natives. This misfortune was but an incident of the undertak-

ing; it did not stop the monthly mail. Partner Chorpenning took Ben Holliday as an associate and kept on with the service. This contract expired in 1855, and was renewed. In 1857 a line was established between Placerville, California, and Genoa, Nevada, and the latter point became the western terminus of the Chorpenning line. Before establishment of this route, it had taken until January, 1851, for news of the creation of Utah Territory, in September, 1850, to reach Salt Lake City.

In 1854 the government paid at the rate of $80,000 per annum for a monthly mail stage between Albuquerque, New Mexico, and Stockton, California. This line ran for only nine months, during which its total receipts amounted to $1,255.

One of the great stage services of that period was the Butterfield Overland Mail Company, covering a total distance of 2759 miles between St. Louis and San Francisco. Senator John B. Weller, of California, succeeded in getting a bill through Congress in 1856, granting a subsidy of $500,000 a year, as a maximum, for a semi-weekly service carrying both mails and passengers. A nineteen-day schedule was provided for, but was never attained; the maximum time allowed was 25 days. The best through run was 19½ days, and the ultimate schedule adopted was 23, with the frequency of trips increased to six per week.

With so helpful an amount of backing, the promoters were warranted in providing lavish equipment. More than 100 Concord coaches, 1000 horses and 500 mules were handled by 150 drivers and 600 other employees. Through fare was set at $100; letter-carrying was charged for at 10 cents per ounce.

This route, from Fort Smith, Arkansas, westward was over a road—or what was so called at that period—built beginning in 1854 by General Beale and Samuel A. Bishop—the latter the man for whom Bishop, California, was named. It touched El Paso, and from there to Tucson traversed more than 350 miles of rough country with no water except as was stored at occasional stations. It crossed the Colorado near Fort Yuma, to enter another waterless stretch for a hundred miles, then turning toward Los Angeles, through San Francisquito canyon and the San Joaquin valley to Gilroy and on to San Francisco. Eighty hours of time was allowed for the trip between Los Angeles and San Francisco. An idea of the fortitude and courage demanded of passengers over it is indicated by the following recommendation as to equipment

with which each should be provided: "One Sharp's rifle and a hundred cartridges; a Colt's navy revolver and two pounds of balls; a knife and sheath; a pair of thick boots and woolen pants; a half dozen pairs of thick woolen socks; six undershirts; three woolen overshirts; a wide-awake hat; a cheap sack coat; a soldier's overcoat; one pair of blankets in summer and two in winter; a piece of India rubber cloth for blankets; a pair of gauntlets, a small bag of needles, pins, a sponge, hair brush, comb, soap, etc., in an oiled silk bag; two pairs of thick drawers, and three or four towels." One might name a few personal articles that might be added, but not very many.

The first coaches pulled out of their terminal towns on September 15, 1858. The westbound coach, on its arrival in San Francisco, "dashed along through the excited populace which crowded Montgomery street throughout its length; the hats of the spectators were whirled in the air, and the hurrah was repeated from a thousand throats," according to a newspaper writer. At the St. Louis end of the route, John Butterfield was so elated that he telegraphed to President Buchanan that the mail and six passengers had come through from San Francisco in 23 days and 4 hours. To which the President replied in a congratulatory message.

The coaches used had capacity for from nine to twelve passengers inside. In addition, they carried two guards, one seated beside the driver, the other on the roof at the rear of the vehicle; and sometimes the top carried passengers as well. The journey over the route was one filled with danger. Comanches and Apaches lost no opportunity to attack the stages, when thought safe, and it has been estimated that 2000 men were killed by them. The number of stage horses stolen was large. Aside from the perils of savage country, the roughness of the journey was enough to try the soul. Sometimes the horses used were half-broke mustangs, who on occasion chose their own gait, running at full speed until stopped by exhaustion. The roads were hardly more than traces, and it was sometimes the usage to strap passengers in their seats in order that they might not be thrown from the careening vehicle in its wild travel.

The Civil War put a stop to the Butterfield line, for the Confederates, in possession of a large part of the territory through which it ran, confiscated its property and impressed its men into service. Before that, however, the transcontinental stage lines

became subjects of political contention. The California State Republican platform of 1859 demanded for the central route, via Salt Lake, the same protection against Indians as that which the Government sought to give to the Butterfield route. The Anti-Lecompton (anti-slavery) Democrats condemned the Buchanan administration for refusing to put both routes on the same footing. On the other hand, the Lecompton Democrats merely referred to "the duty of the Government to sustain the overland mails, so successfully put in operation by a Democratic administration."

During these years the northern route was not being neglected. Chorpenning and Holliday started coaches on the line, the first leaving Placerville June 5, 1858, and the first arriving there on the 19th of the following month. Great celebrations marked both occasions. The next east-bound trip was one of disaster; while the driver and his passengers were camped near the Humboldt river, in Nevada, an attack was made by Shoshones. The stage horses were driven off by the foe; the white men stayed with the wagon most of the night, but toward morning deemed it best to escape with their lives. When the scene was again visited by whites the coach was found torn to fragments and the mail widely scattered. Negotiations with the Indians patched up a peace, and service was resumed. In January, 1859, President Buchanan's message was brought to Placerville in 17 days. On one trip that year the stage carried 500 pounds of mail, breaking all previous records. The Holliday line, as the northern (more generally termed central) route was called, had the support of the people of northern California, and of sympathizers with the North in the great issues then about to be settled by war.

An argument used in favor of the Butterfield route was the snow barriers that blocked the Sierras, which the central route crossed, during part of the year. A smaller company, operating between California and western Nevada, was the first to overcome this central-route difficulty by means of sleighs and to maintain a winter service. Previously, Holliday had met it by employing men to make the trip on snowshoes, thus carrying the mails. The most noted of these men was "Snowshoe" Thompson, who made his first trip in January, 1856. Traveling from Placerville to Carson Valley, Nevada, 90 miles, in three days, he carried almost 100 pounds of mail. Had he not been a man of

SANTA CLARA COUNTY FREE LIBRARY
SAN JOSE, CALIF.

great strength and endurance, he would not have been able to maintain such work until the building of the overland railroad, as he did. He charted his own routes across the pathless snowfields. To avoid extra weight, he carried no pistol. Carrying no blankets, he bedded down at night in the snow, using the mailbags for pillows, near some stump he had set on fire. He never suffered an accident, nor had even so much as a finger frozen.

On one of his trips, Thompson met four tired men 25 miles from Placerville, who had advanced only ten miles in three days but had not yet fairly entered the snow belt. As he slid past they despairingly asked him whether they were not nearly through the snow. "There are 45 miles more of it," he replied.

By 1859, we are told by one who gave much time to data on this subject, six overland stages were running to California. The owners included men who deserve enrollment as great figures in the building of the West, for the courage of their lavish outlays for equipments to insure service; and among their employees were hundreds who no less deserve permanent memory as heroes whom no peril daunted in the performance of their pledged duty.

Among the captains, Butterfield has already been mentioned. Another notable was Alexander Majors, a Christian who never swore, never drank, and who required his employees to contract never to drink, gamble or swear while in his employ, under penalty of being discharged minus any pay then due. One with knowledge of old-time stage drivers and "mule skinners" may wonder if sometimes the men did not take advantage of the absence of "the old man" when dealing with the refractory and half-broke animals which in large part made up the teams that were used. Majors had a thousand mules, and 50 coaches of luxurious type, in use between Leavenworth and Denver. The first of these vehicles reached Denver in May, 1859, in six days after leaving Leavenworth. When he extended his line and made St. Joseph and Salt Lake City the terminals, he cut the 22-day time theretofore used to ten days for the 1200 miles, and established that as the regular schedule.

The king of them all was Ben Holliday, who at one time was said to be using, in his different transportation ventures, 5000 animals, 500 coaches and express wagons and the same number of freight wagons. His main-line work required from 1500 to 3000 horses and mules and 100 coaches. His harness equipment cost

$55,000, and his feed bill ran to a million dollars a year. To equip and operate this line for the first year cost over $2,400,000. His government mail contracts approximated a million dollars annually. He sold to Wells, Fargo & Co. in 1866. During the two years before, his losses from Indian depredations, the burning of his stations for a hundred miles, and stolen stock, approximated half a million dollars. His employees in the danger zone lost still more—their lives.

The whole history of western transportation, whether of mails, passengers, express or freight, is a library of adventure, daring, courage and continued danger. No part of it contains more of these elements than does the story of the Pony Express, nor has any other part been accorded such fame. The best account is had from a book by Majors, "Seventy Years on the Frontier," from which most recent writers have obtained their main facts. Details herein are, however, garnered also from manuscripts and narratives by express riders and newspapers of the period and by permission from Visscher's "The Pony Express."

While Senator Gwin was taking his long horseback ride from California to the Missouri in 1854, one of his traveling companions over part of the route was B. F. Ficklin, superintendent of the freight service of Russell, Majors & Waddell, of Leavenworth, Kansas. Ficklin suggested the idea of the Pony Express, and Gwin adopted it with enthusiasm. Soon after the Senate session began he introduced a bill to provide weekly mail service between St. Louis and San Francisco, the schedule to be ten days, and the pay per trip $5000. The bill was referred to and buried in a committee.

Though failing in getting government support, Gwin was committed to the idea; and when in 1859 Russell, one of Ficklin's employers, visited Washington, Gwin urged him to undertake the enterprise as a private matter. Russell agreed, conditioned on finding his Leavenworth partners willing. This proved to be the sticking point for some time, Majors and Waddell both holding that the expense involved would far outrun any possible revenue. Feeling bound by his promise to Gwin, Russell finally talked his partners over, and the memorable venture was launched.

Established stage stations along the route east of Salt Lake were utilized; farther west, such arrangements were lacking and had to be provided. The business was prosecuted with so much energy that within two months after the pledge had been given

to Gwin the first express was ready to start. In preparation, the Central Overland Pony Express Company had been organized, and stage lines from Atchison, Kansas, to Sacramento were taken over by the corporation. When it is considered that before the first run was made, the company acquired several hundred fast horses, secured or built 190 stations, many of them in little known territory, scouted out new routes to save distance in many places, and hired 400 station keepers and 80 picked riders, it will be seen that organizing the enterprise in so short a time was a remarkable achievement.

An advertisement in a San Francisco paper on March 17, 1860, announced that the letter express would start from San Francisco to New York and intermediate points on April 3, and every Tuesday thereafter, at 4 o'clock p. m. Schedule time from San Francisco to New York for letters was 13 days, for "telegraphic dispatches" nine days, the telegrams being sent on by wire from St. Joseph, Missouri, the first telegraph office reached. Most accounts credit Sacramento with being the western terminus, and Majors' account tells of the start being made from there. But the San Francisco Bulletin files tell in detail of the start being made from the Alta Telegraph Company office in the bay city, on the advertised day. "From one o'clock until the hour of our going to press," it said, "a clean-limbed hardy little nankeen-colored pony stood at the door of the Alta Telegraph Company's office—the pioneer pony of the famous express which today begins its first trip across the continent. The little fellow looked all unaware of his famous future. Two little flags adorned his headstall; from the pommel of his saddle hung, on each side, a bag lettered 'Overland Pony Express.' The broad saddle, wooden stirrups, immense flappers to guard the rider's feet, and the girth that knows no buckle, were of the sort customary in California for swift horsemen who appreciate mud. At a quarter to four he takes up his line of march to the Sacramento boat." The rider, James Randall, proceeded to the wharf amid the cheers of a large crowd. Probably it was because this stage of the journey was made by boat and not by the fleet-footed nankeen-colored pony that Sacramento has been accorded the honor of being considered the actual starting point.

And here we find a slight discrepancy, of the kind that makes many such records vague in details, for while the San Francisco papers reported the departure from there at 4 p. m. Majors says

the first rider left Sacramento at noon. Much of the intervening time was spent on the boat trip, for which 20 hours would seem to be a too generous allowance.

Harry Roff, mounted on a half-thoroughbred half-mustang and half-broke bronco, started from Sacramento, and covered the first twenty miles, including change of mounts, in 59 minutes. Other riders took up the journey, reaching Fort Churchill, Nevada, 185 miles from the California capital, in 15 hours 21 minutes, this stage including the crossing of the Sierras.

On the day of the San Francisco start, Russell himself adjusted the mail bags on the saddle of the pony which set out westerly from St. Joe. Alex Carlyle, the rider from that place, stood but two months of the strenuous work before retiring, to die six months later.

He was succeeded by Johnny Fry, whose mettle was typical of the kind of men in the service. As told by Tom Ranahan, one of the last survivors of the express riders, Fry was riding when Lincoln's inaugural address was to be brought to the Coast. The company planned to break all records in getting the momentous document to the Far West, in that time of tense feelings and apprehensions. The gamblers saw opportunity for winnings in the attempt, and in their wish to win went on the maxim that all was fair. Fry left the Beatty House in St. Joe and raced his mount to the Missouri, which he expected to cross on a ferry boat. Arrangements had been made for the boat to be on hand for his coming, and the owners had put up a $5,000 bond for carrying out this agreement. But when Fry reached the river the boat was at the other bank. Without hesitation he urged his mare, already in a lather, into the current and swam across, making the passage safely. It was said that nearly every hair was afterward plucked from the mare's tail by those who wanted souvenirs of the gallant effort. On this trip horses were changed every ten or fifteen miles, and the message was delivered in San Francisco in 7 days 21 hours from St. Joseph.

The first east-bound rider took 85 letters with him, at a tariff of $5 per letter, or per half ounce. The west-bound express carried 25. The letters were wrapped in oiled silk, to protect them from moisture of storms, perspiration of men or horses and the streams which had to be crossed; they were then put into "cantinas," or leather pockets carried on the saddle. Three of the four pockets were locked, for through business only; the remain-

ing one was left unfastened for letters taken en route.

As may be supposed, the initial runs of the famous service were greeted with enthusiasm wherever they touched. The first to the Coast reached Sacramento in one hour less than ten days and San Francisco in 10½ days—about one-half the time taken by the regular overland mail. Ringing of bells, bonfires, band music and speeches attested the joy of San Franciscans at being brought thus near to the East.

While it was planned to have relay stations only ten or twelve miles apart, natural conditions made them more often 25 to 30 miles apart. The average rate of travel was planned at nine miles per hour. Each rider was allowed but two or three minutes to change from his spent mount to the one which stood ready saddled, awaiting his coming; then it was on again, regardless of sun or storm, light or dark, Indians, outlaws or open way. It was his business to see that the mail went through, regardless of conditions. If the relief at the end of the allotted run had been killed or disabled, he himself must "carry on," though he had been all night in the saddle, and though his apportioned journey had already been doubled. James Keetley rode 300 miles, stopping only long enough to change horses, in a shade under 24 hours. Another rode 280 miles in 22 hours.

The riders were chosen for not only their proved qualities but also for their light weight, usually not exceeding 125 pounds. Their dress was their own choice, but usually consisted of a buckskin shirt, trousers tucked into high boots, and a cap or slouch hat. In the beginning each carried a carbine, a pair of Colt revolvers and a sheath knife; the rifle was soon discarded to save weight. The pay was $100 to $125 per month, with occasionally some addition in specially dangerous country.

Reese Hawley, riding in eastern Nevada, reached a relay station and found the building dark and no fresh mount ready. Thinking that the station keeper was asleep he opened the door, and stumbled over the keeper's body. Realizing that Indians were at work, he stepped out to get his weary horse and ride on, but found that while he had been inside the animal had been stolen. His stepping indoors had saved his life. He cautiously made his way to a camp of white men, who came back with him and found that the keeper had been murdered and all the company horses stolen.

Two men were in charge of a station at Egan Canyon, Nevada.

One morning a band of Indians captured them, after a battle. The chief chose to make the prisoners feed his braves before murdering them, and compelled them to cook an immense quantity of bread. The Indians gorged themselves during the day, while the captives toiled and sweated over their cooking, probably no more cheerfully because of a promise that they would be burned at the stake at sundown. A wagon tongue had been driven into the ground to serve as a stake, and preparations for their roasting were in progress, when in true story-book style, a company of cavalry happened along and saved them. This was the narrative given out as absolute truth in after years by one of the men.

Another Nevada rider, Jay G. Kelley, was at a station when the man for whom he waited came in, so badly wounded by Indian shots that he died within a few minutes. Kelley made his own ride, and the return, in safety, and it then fell to his lot to traverse the country in which the other rider had been shot. Kelley afterward wrote of it, as quoted in Visscher's "The Pony Express:"

"A trail had been cut through little trees, just wide enough to allow horse and rider to pass. As the road was crooked and the branches came together from either side, just above my head when mounted, it was impossible to see ahead more than ten or fifteen yards, and it was two miles through the forest.

"I expected to have trouble, and prepared for it by dropping my bridle reins on the neck of the horse, put my Sharp's rifle at full cock, kept both spurs in the horse's flanks, and we went through that forest like a streak of greased lightning.

"At the top of the hill I dismounted to rest my horse, and looking back saw the bushes moving in several places. As there were no cattle or game in that vicinity, I knew the movement must be caused by Indians, and was more positive of it when, after firing several shots at the spot where I saw the bushes moving all agitation ceased. Several days after that, two United States soldiers who were on their way to their command were shot and killed from the ambush of those bushes, and stripped of their clothing, by the red devils." This Kelley was afterward in command of a company of soldiers sent to take part in the Owens Valley, California, Indian war, but arrived after the settlers had brought the difficulties to an end.

"Pony Bob" Haslem was one of the riders who brought Lincoln's inaugural address to the Coast, on that run covering 120

miles in 8 hours 10 minutes, and being shot through the jaw with an Indian arrow while doing so. "Buffalo Bill" was another rider of note in Pony Express history. The adventures and hardships of that band of men could be expanded into volumes.

A man who had a contract to shoe the horses used in the service said in a letter: "The animals that Johnny Fry and Jim Keetley used to ride were the worst imps of Satan in the business. The only way that I could master them was to throw them and get a rope around each foot, stake them out, and have a man on the head and another on the body while I trimmed the hoofs and nailed on the shoes. They would squeal and bite all the time I was working with them. But travel! they seemed never to get tired. I knew Johnny Fry to ride one of them 50 miles without change. He was about as tough as the ponies, and Jim Keetley was another off the same piece. Jim was murdered in some sort of cowboy row, and poor Johnny Fry was killed on the Canadian river by bushwhackers."

The forebodings of Russell's partners as to the financial side of the undertaking were well founded, for in its 18 months of operation the cost was $650,000 to $700,000 and the receipts not over $500,000.

News of the firing on Fort Sumter was brought to San Francisco in 8 days 14 hours. It became a common matter for large purses to be given to the riders for extra speed in getting war news to the Coast. It is said that $500 was given to riders for getting news of the battle of Antietam to Sacramento a day ahead of the schedule for the trip.

By keeping regular communication with the East during the critical early days of the Civil War the Pony Express doubtless did much toward holding California in the Union. It demonstrated the practicability of the more northerly route. Its services to the nation were far in excess of the material returns to its owners.

This chapter would be still less complete were no reference to be made to transportation of a more local nature—stage days on the Coast, or rather, the whole region west of the Rockies. Every imaginable sort of vehicle was pressed into use between the scattered settlements. The importance of the towns largely dictated the sort of outfits put on the stage lines, whether they were the humble buckboards or the luxurious Troy or Concord coaches carrying up to thirty passengers. The teams were as

varied as the vehicles they drew. A span of service-worn horses dragged a light wagon or buckboard across weary deserts at four or five mlies an hour; elsewhere, a coach with six of the choicest horses to be obtained careened along as fast as the team could gallop.

A line running to the verge of Yosemite sought to attract attention to its superior facilities, and away from those of a rival, by putting on what it named "The Cannonball." The team was made up of the fastest horses the region afforded; stations were established every four miles, for changes of horses, and the driver's orders were to "put 'em through." The same company had a slower service on the route, a little later in the day. A veteran of the region related that while many passengers bought tickets and started on "The Cannonball," by the time they arrived at a halfway station they had lost all curiosity about the sensations of swinging around curves and up and down hills with the team on the keen jump. The last of them was ready to desert "The Cannonball" and finish the trip on the slower stage. Notwithstanding the terror inspired by the seemingly reckless driving, the fast stage never had an accident while it was kept in service.

Undoubtedly some of the world's best reinsmen "held the ribbons" over the select teams chosen for their important runs. The names of Hank Monk, Baldy Green and others are historic in western staging annals. Baldy was noted for his ill luck in being the victim of stage robberies, and his "hoodoo" worked so effectively that finally the stage company laid him off and he descended to the state of being a dray driver in Pioche. Billy Blackmore, another crack whip, so lived his occupation, awake or asleep, that he sometimes dreamed of runaway teams on down grades. At such times, a pioneer who knew him said, he would pull himself up by the blankets and push the footboard off the bed, until his landlord built a bedstead he could not kick to pieces.

Hank Monk was the most famous, largely through the Greeley incident spread far and wide by Mark Twain. Hank's skill kept him from accidents until near the end of his career. He was not averse to drinking when invited, and when over-indulgence brought on delirium tremens his first manifestation was an outburst of continuous laughter. At such times his friends put him comfortably to bed, and called in a physician who was a personal friend. This doctor attested that instead of seeing the usual parti-colored snakes and other repulsive spectacles usually

supposed to be conjured up by drunken delirium, Hank had visions of beautiful women, and in the extreme stage he saw fields all abloom with pumpkin pies.

One of the old style trunks of immense size was to be hauled to Lake Tahoe on the stage driven by Monk, but an overload compelled him to leave it until the following trip. When his stage reached the lake the lady owner was out looking for her trunk. "They were sawing it in two when I left," said Monk; "I'll bring half of it to-morrow and the rest the next day." The lady took his joke in earnest and indignantly hunted up her husband, to whom she said that all her party dresses were in the trunk. "Oh, well," philosophically observed her better half; "that will be all right; you are not more than half dressed when you go to a party."

In the summer of 1882 Monk was convoying ex-President Hayes, General Sherman and others over the road to Tahoe. The thoroughfare had been badly washed and cut by traffic, and the ruts were filled with dust. The wheels dropped into such a rut, and the coach tipped gently over against the bank, on the upper side. Hank stopped his team instantly. No one was hurt, but the veteran's pride suffered a blow which made him quit the road, and which, it was believed, led to his death the next year. Judge Goodwin, of Salt Lake City, said in his Tribune obituary: "When the winter closed down he knew that he was going to mire down in a few weeks. When friends tried to have him removed to a hospital where he could have more comforts he refused and waited where he was until he drove into the home station."

Each of the noted drivers had some special characteristic. Jim Miller was a six-footer who always wore clothes made to suit his individual bizarre taste. In winter his visible dress was a yellow overcoat with pants of the same color, with stripes down the pants legs and on his collar and cuffs. The buttons were silver dollars. When the overcoat was open, it disclosed a bright red vest down which dropped a silver watch chain of four pounds weight, looped around his neck and decorated with silver horses. This tremendous chain was secured to a watch so heavy that he could run his stage across it without damaging the timepiece. He wore the white beaver hat affected by most of the prominent drivers, while his ample feet were encased in high-heeled boots with soles more than an inch thick. His drive was between Aus-

tin and Virginia, Nevada, and his advent into either place was a public show, enjoyed by himself as much as by the strangers who stared at his unique costume.

These men had a pride in their calling, petted their stock, and had as their chief object "beat the opposition at any cost." This loyalty to their employment was carried to extremes in at least one instance when Ross, a driver running out of Marysville, contrived to run his coach against an opposition vehicle in such manner as to wreck it. A passenger of the ruined coach resented the driver's tactics so forcefully that as soon as he scrambled from the debris he picked up a gun and fired a load of birdshot into Ross, causing his death within a few days.

Another of the crack drivers was "Sagebrush," right name John Burnett. He walked into a Virginia City office and asked if the company needed a driver. The manager had just had trouble with one of his men, and when "Sagebrush" modestly admitted that he had "sometimes driven six," he was told to report for duty. After the newly hired man went out, other employees protested against trusting the stage to the supposed "emigrant;" he would probably be killed by such wild teams as were used. "Suppose he is," said the manager; "you don't know how much I'd give to see a stagedriver killed." The next morning "Sagebrush" was instructed where to get his team, and to drive clear around the block in order to bring the outfit in front of the stage office. The office force went out to see him drive up. When he appeared, it was across the street, and not from the expected direction, and the team was moving along quietly. There was a tightening of the reins, a crack of the whip, and the leaders made a turn on the run. At just the right moment all reins went taut, the brake was applied, and the stage came into exact place in front of the office. "A driver at last!"

Another of the fraternity was Curly Bill, a man of powerful physique. His passengers one day were a lady and a distinguished army officer. The officer had been drinking, and his conduct terrified the lady. Bill went to the stage door and told the officer he should think too much of his uniform to make a lady afraid of him. Some insulting reply was given, whereupon Bill reached in, caught the offender by the collar and dragged him out upon the road, bringing with him the coach door. The officer was instantly sobered, and humbly apologized all around.

This last incident is from a sketch by C. C. Goodwin, who

closes with the apt words: "The old race have all passed away as did that driver at Sacramento, who when dying whispered: 'It's a down grade and I can't reach the brake.'" To Goodwin's writings we are also indebted for some of the reminiscences herein used.

EASTERN CALIFORNIA'S FIRST CAMPS

California's golden flood had been pouring into world channels of trade for ten years before mineral discoveries known to be important were made in the arid region then called western Utah, and vaguely supposed to end at the Sierra Nevada mountains. Earlier discoveries, without practical results, had been made, and soon almost forgotten. Trapper Jedediah Smith and his men had found gold in the vicinity of Mono Lake in the late 20's, a score of years before Marshall's discovery at Coloma set the world's prows toward the Golden Gate. But Smith's find, probably the first of its kind made by Americans within the present territorial limits of California, was unimportant save as a historical fact to which little attention is given. Then in 1852, Lieutenant Moore, of the United States army, crossed the Sierras over the Indian trail, through what is now known as Tuolumne Meadows, in pursuit of Indians who had murdered white men west of the summits. From Bunnell's "Discovery of the Yosemite" we learn that Moore made, on the eastern slope of the range, "some fair discoveries of gold and gold-bearing quartz, obsidian and other minerals, while exploring the region north and south of Bloody Canyon and Mono Lake." Moore, says Bunnell, brought into prominence "the existence of minerals in paying quantities upon the eastern slope." Two years later, according to Bunnell, "Leroy Vining and a few chosen companions, with one of Moore's scouts as guide, went over the Sierras to the place where gold had been found, and established themselves on what has since been known as Vining's Gulch or Creek." And some "gulch" Lee Vining Creek canyon is, as will be attested by all who have stood on its meadow floor and gazed up to where, over 2000 feet above, the Tioga Pass highway winds to its summit crossing.

There may have been a light drift Monoward during the next few years. The next record (a Mono county official pamphlet published in 1908) asserts that "attention was first attracted to this section of the State by Indians carrying reports to the outside world that Mormons from Nevada were washing out gold on what is known as Dogtown Creek (not far from Mono Lake). These reports becoming more frequent, a small band of prospectors set

out for the new field in the spring of 1857." This official acceptance would seem to be some guarantee of truth; however, in a later paragraph the same pamphlet says that in the election held June 14, 1864, to locate the county seat of Mono (Aurora, first so designated, having been found to be in Nevada) "the choice lay between Owensville and Bridgeport." All other references to this contest state that Monoville, and not Owensville, was the contender, so if there are other versions of the finding of the Dogtown diggings there is justification for giving them due credence.

A prospector arriving at Dogtown in the spring of 1859 found seventy men there. A man named Loose had established a little store, 12 by 14 or some such size, stocked with the goods required by the inhabitants, of course including "wines, liquors and cigars" as leading articles of commerce.

Dogtowners planned a Fourth of July celebration, to occur at Loose's trading center. History sayeth not what the program was to be; it would certainly include a general drunk. One of the miners did not care much for that sort of thing, so by way of vacation wandered over the hills. In due course he laid down to rest in the shade of a boulder on a slope toward Mono Lake, and while so doing a spell of coughing came upon him. The sand disturbed by his violently expelled breath, as he lay face downward, glittered with gold. Following up the clue, he took out in a short time more gold than his Dogtown claim would pay in a week. He immediately staked out claims, and met the returning celebrants with news that started an exodus for the new find. Dogtown was so nearly abandoned that visitors the next month found only four men there, and Monoville came into being almost in a day.

Tuolumne county miners soon heard of the new find, and Sonora and Columbia, Chinese Camp and Jimtown quickly sent many gold hunters. Monoville grew in a short time to 700 population, mostly composed of arrivals via what became known as Sonora Pass. Pack trains brought supplies over the same arduous route.

Came winter, on calendar time; but anticipating it, most of the loosefooted in camp had wisely struck out for milder climes. This partial desertion was fortunate, not only for the deserters but also for the 150 who remained. On November 10th a storm began that covered the region with five feet of snow, and of course completely cut off communication across the mountains. A little traveling was done southward, through Owens Valley, but

no settlement could be reached in hundreds of miles in that direction. Famine threatened; and to avert it, a road was broken over the snow to Genoa, the Mormon settlement in Carson Valley, far to the northward, and provisions were brought in by means of sleds. Snowfalls continued, to such extent that the ground was blanketed until the following April. Those who stayed with the camp were doubtless of the opinion afterward formulated by Mark Twain, that the Monoville region had two seasons: the breaking up of one winter and the beginning of the next, plus a conviction that continuous winter served as the connecting link.

With spring came projects for systematic development. A ditch dug from a Sierra creek, on a line still discernible along the hillside, brought water enough for hydraulic operations, on a larger and more profitable scale than the rockers by which men had, it was said, taken out from $10 to $100 per day each during the late summer of 1859. Sawmills were set up in the near-by mountains, and a few frame buildings eclipsed the glory of what had been the camp's largest structure, a tent in which a "gentleman gambler" ran a monte game for the gold dust of speculative miners. Stores and saloons were in full blast, and a postoffice handled the weekly mail from Genoa. Gold was found in many places, and a letter of the period said that everything capable of bearing gold had been staked, clear down to Mono Lake, several miles away. "Another and larger ditch is now talked of," wrote a Monoville resident in June, 1861, "a work that would have been accomplished long ago if the class that pass for miners had only been half as fond of the pick and shovel as of cards and billiard cues. Another great necessity is a general race for the tailings, for want of which many good claims have been covered up."

Notwithstanding the idlers, some genuine mining was done, otherwise the same correspondent, in another letter, would not have voiced this complaint: "It is a rather precarious proposition here. A man's house and even his lot are liable at any moment to go over a precipice from ten to twenty feet high, over which one is occasionally tumbled, to the great inconvenience of its tenant. What was the principal street of the place is now a chasm, along the edge of which the pedestrian makes his way with difficulty and danger. But as the miners are generally lawless in these matters, and as the prosperity of the community is mainly dependent on their operations, no one thinks of object-

ing or indulging in complaint." This undermining was the result of hydraulic operations on the deeper sands of the hillsides.

Different from most other camps, even those no larger in population, Monoville left no notable record of crime. It is principally noteworthy for being the first settlement of any consequence in California east of the Sierras and south of Tahoe, for being the starting point from which journeyed discoverers of other camps in the region, and for being the starting point for those in quest of "the lost cement mines." As a camp it "lasted soon," in the parlance of the day. Other mining discoveries drew away most of its population, almost before the boards in its best buildings had begun to show signs of weathering. A few miners remained for years, accomplishing little. A $50 nugget was found at Dogtown in 1881, and that same year a company patented over 20,000 acres of land which it proposed to work by means of a flume carrying 2500 inches of water. Like many another ambitious scheme, this enterprise was never carried out. The place had enough life left in 1864 to be a candidate for county seat honors and profits, but came out second best. To-day the chief landmark of the old camp site is a long and deep gash in the earth, known as "the Sinnamon cut," from which it was said the owner hydraulicked $90,000 worth of gold.

Nearly fifty years of winter drenchings and summer winds have rounded the edges of the banks cut by the last hydraulic giants, and drifted sands have leveled the ditches that brought the streams. Generations of sage bushes have blossomed and died in the paths worn by the feet of those who flirted with the goddess of chance in the tent of the gentleman gambler. To-day one must inquire for directions and natural landmarks, for except the once noted "cut" and a forlorn, rickety windlass over a shaft sunk by a hopeful mining company, there is nothing to show where the once largest town of the western Great Basin lived its little day.

Yet, even now, a heavy rainstorm there uncovers some gold, so that Indian women, alert for such opportunities and patiently searching, garner several dollars in small nuggets on each such occasion.

THE LOST CEMENT MINES

Breyfogle, Pegleg, Blue Bucket, Lost Cabin, Lost Cement—these names even yet set tongues awag whenever mentioned where idle miners congregate. They are but some of the leaders among the "lost mines" of the West—more or less legendary bonanzas, glimpses of which, traditionally, were permitted to some almost perishing prospector or lost emigrant, and which ever since have been concealed from human sight. Each such "lost mine" has its following of true believers; each has taken toll of human life in the persistent search for its fabulous treasures.

Some of the tales may be as true as the most enthusiastic pursuer alleges; some may have been pure inventions—at least one such fictitious case was known. Some may have been rediscovered and their rich float skimmed off, together with rich or poor ores as happened, without the finder ever knowing that he was realizing substance from what many considered a shadowy dream, or that he was unwittingly settling forever the truth or untruth of stories told in a hundred camps.

"The Lost Cement Mines" of eastern California were persistently hunted for a generation, and even yet hardly a summer passes without some prospector establishing himself at a camp from which he goes day after day, hoping against experience that he will be the one to come upon the long lost treasure. The area within which the deposit is supposed to exist covers but a few square miles; moreover, it has the advantage of being a region of pleasant summer climate, timber and streams, magnificent scenery, fish and game—in short, minus the drawbacks surrounding other "lost mines" and plus every inducement for a season out of doors.

Three brothers, Germans, (such is the accepted version), were members of a party attacked by Indians somewhere "on the plains" during the early '50's. The three escaped together. They knew nothing of the route ahead to California, their destination, except that it was westward. In time they reached the Sierras and the headwaters of Owens River. Camp was made at a spring in a basin northeasterly from Mammoth Peak, and south of Mono

Lake. While there one of the three found a vein of cement in which "lumps of gold were set like raisins in a pudding," as it was expressed by a writer who claimed to have seen a piece of the ore.

Summer was ending; the Sierras would soon be impassable because of snow, and they had no provisions on which to maintain themselves there. If they would reach California and save their lives they must move. Each man dug out some twenty-five pounds of the ore and their journey was resumed. One misfortune after another befell them. A snowstorm caught them in the heart of the mountains. One of the brothers fell and broke his leg and either died or was abandoned, the story does not say which. Another perished from hardships; and the third finally reached a settlement on the western slope of the Sierras, insane from his sufferings but still retaining some of the rich cement. When his reason mended enough so that he could tell of his experiences, he could not be induced to go back to try to find the deposit. Others were more willing, and thus began the great hunt.

Mark Twain, whose experiences recorded in "Roughing It" were gained but a few years later, sets forth the story substantially as it was generally current and believed, and makes the statement that the German gave to one Gid Whiteman a map of the region and specimens of the ore, with as complete information as he could recall. Other sources of information alleged that Whiteman had samples of marvelously rich ore; and that he was a leader in the hunt and the best informed man on the subject was common knowledge in the towns and camps east of the Sierras for years. He searched during more than twenty summers. Beginning when of middle age, he followed his will-o'-the-wisp through poverty and hardships, sickness and such health as his feeble frame could gain, until the nearing of his death in 1883. When he passed on, he was as sure as in his younger years that the great deposit was an actuality; but its reward was not for him, nor has it been for any one else.

Whiteman employed men, at times, to help him. It was told that he once had an Irishman and a German so working. The Irishman came to camp one day with a chunk of gold-laden cement, and found only the German there. They agreed that Whiteman should not be told of the find; nevertheless, one or the other betrayed the knowledge to Whiteman, unintentionally,

but he was unable to track them to the place, if they again visited it. Winter's approach compelled both employer and faithless employees to leave. Early the following spring the pair went back. The next heard of them was when the Irishman reached Aurora, by then become the main camp of the region, and reported that Indians had killed the German. He himself was badly wounded and died a short time afterward, but before doing so made a crude map and gave directions. The cement, he said, came from "the bottom of a small gulch running into the middle fork of Owens river." This clue proved valueless to later seekers, there being no way of telling which branch among the many, large and small, was meant by "the middle fork." An Indian told that the two men were not attacked by tribesmen, but that he heard shots and afterward saw one of the white men bury the other. Indian warfare was then going on only fifty miles southerly from the cement-mine region. The Piute's version was by no means improbable; men who would rob their employer as they intended to do would probably not shrink from dealing with one another for sole possession of the mine.

Whiteman had as companions on one trip, in 1862, men named Randall and Van Horn, the latter a personage of enough consequence to have had his name given to a mining district. A fourth member of this party was a German, name not now known. It was the German who this time found the gold-studded mineral. Van Horn was taken into his confidence, and they notified the others that they were through—they did not want to stay in a country where the rocks (pumice) would float and the wood (mountain mahogany) would sink in water. Packing their goods on Van Horn's horse they struck out in the direction of Aurora, but when well out of sight of the camp changed their course and went to where the German had made the find. After taking out a sackful of ore they so covered the excavation that none but themselves could identify the spot. Reaching Walker river they broke up their cement and panned it out, getting some thousands of dollars worth of gold. They went on to Virginia City, outfitted elaborately, and took a third man into the partnership.

Returning to the discovery one afternoon, they began preparations for a prolonged stay. While they breakfasted the next morning, Indian chieftain Joaquin Jim and thirty of his braves came to the camp, took all the white men's property except their clothing and a horse, and ordered them to leave. Glad to escape

with their lives, they promptly obeyed, agreeing among themselves that when the eastern California Indian troubles were settled they would go back. Van Horn did not go back, but claimed that the other two did. If so, it appears to have been a fatal move, for they were not heard of again. Two skeletons found in that vicinity some years later were supposed to have been those of the luckless partners.

Van Horn, then an invalid, went to San Francisco for treatment. On the boat down from Sacramento he believed that he was about to die, and told the whole story to an associate named Carpenter, who was making the journey with him. Carpenter's name does not appear in any tale of the hunt, except that his knowledge was the cause of an expedition in 1865, when an Idaho man named George Kirkpatrick and another named Colt, a nephew of the famous pistol maker, were the leaders, or possibly the sole members, of a party taking up the quest. They came to Monoville that year and induced one Wilson to guide them to the supposed site of Van Horn's camp. A search lasting six weeks disclosed some cement, but none carrying gold. An Indian told them he had seen two men—probably Van Horn and his first partner—bury tools and sweep the ground, but they were unable to get any more helpful information.

At another time an Indian guided a searcher to a destroyed camp, where was found a broken shovel and other things, including a pocket knife with a "V" cut in the handle, believed to have been Van Horn's. A place was found where a floor of puncheons, riven from logs cut near by, had been laid, and in its cracks rusty-looking particles of rock rich with gold were found. The old Van Horn camp was said to have been marked by the stumps of felled trees, these standing in a triangle of white firs; in the bark of one fir were crude carvings cut by Indians.

In 1862 a wounded man was rescued after making his way to Mono Lake. He was one of three, he said, who had been prospecting in the cement region. His companions had been killed by Indians; he jumped into a creek, wounded, and managed to get away. He was afterward in business in Aurora, having lost all curiosity regarding the whereabouts of the treasure.

While Van Horn's supposed rediscovery of the bonanza made his starting point a matter of great interest to all searchers, the outstanding figure in the great hunt was Gid Whiteman, twice betrayed by faithless helpers but devoting his remaining life to

the quest. He was followed and spied upon, as a chapter of "Roughing It" sets forth. He had the good fortune to avoid Indian attacks, probably showing better judgment as to the times of his trips than did those who fared worse. With reputedly more knowledge than any one else as to the whereabouts of the riches, he died in poverty, broken in health by years of exposure in all conditions of weather.

Such are the known facts, or those believed to be facts and authenticated in practically all important particulars. It is no less well established that death waited beside the trails of several—probably seven—of those who engaged in the hunt. Most of these deaths were caused by white men, and not by Indians, though it was supposed that the red men kept a jealous watch over the deposit. It was believed that two skeletons found near the north shore of Convict Lake, in the general region ranged by the cement hunters, were of victims of Joaquin Jim's warriors during a quest based on an Indian hint that gold was to be found somewhere near a lake. As late as 1890 it was alleged that even then every party hunting the cement was under surveillance. Indians of that generation were supposed to know of a rich gold deposit, possibly the cement mines. An early-day trader was paid about $300 in grain gold by Indians of that vicinity, but could not learn where they had obtained it. When the camp of Benton, a day's travel southeasterly from the scene of the hunt, was active, natives brought considerable quantities of gold into the place, without revealing where they had obtained it. The lake hint already mentioned was the nearest to information that any of them would give out. Such knowledge among the tribesmen, if they ever had any of real importance, seems to have passed away, for no more unexplained gold appears, and Indians have informed white friends of the existence of other mineral deposits.

Whatever or wherever the lost mines may be, there are those who yet implicitly believe in them. Some action of nature, such as a snowslide with its burden of earth and stones, may have covered all indications. Or it may be that when Van Horn covered the deposits with pumice and soil to prevent its being disturbed until he returned, his work was so well done as to last until now, at least. Certain it is that if the cement mines exist they have remained undisturbed during all these years, and it is probable that somewhere in those hills of summer pleasure fortune awaits

a claimant. One result of the search was the finding of deposits of a different nature, giving rise to the camp of Mammoth.

The most gruesome incident connected with the search for the cement mines left a memento in the name of Deadman Creek. Other geographical names of that region, the northern section of the highest Sierras, are in keeping with the magnificence of its scenery and natural beauty—Minarets, Gem Lake, June Lake, Silver Lake, Shadow Creek, Rainbow Falls, Thousand Island Lake, Pond Lily Lake, and so on. Among them is Deadman Creek, like a tombstone in a scene of revelry.

One Farnsworth reported in Monoville in the summer of 1861 that he had found a rich claim while hunting for the cement on the headwaters of Owens River. In proof, he exhibited rich quartz, which it was afterwards alleged he had brought from the mines of Mariposa county, California. Claiming to need help in working his find, he offered to share equally with any one who would assist him. His offer was accepted by a man whose name is strangely missing from records of the affair. The two went forth; Farnsworth alone came back. What became of the partner was never satisfactorily explained. It does not appear, however, that any suspicion then attached to Farnsworth.

The latter next went to Carson, where he made an alliance with Robert Hume, a San Franciscan. Hume was told that if he would put up the money for a mill and assist in the mining the partnership would be equal. He was urged to take with him money enough so that when he had satisfied himself of the truth of Farnsworth's story he could cross the Sierras to Mariposa and get a mill without delaying to return to Carson. Hume said he could arrange for whatever was required, but was known to have $700 with him. They went to the Owens River camp. Again Farnsworth returned to Monoville alone, this time hatless and with a bullet hole in the calf of his leg and knife cuts in his clothing. He said that Indians had attacked them, killing Hume, but that he had managed to escape on Hume's horse.

About this time two prospectors reached Farnsworth's camping place on the stream. After dusk one of them, getting wood for their campfire, undertook to pull from the creek what he thought was a small log. His grasp of it was quickly followed by a yell, "It's a dead man!" The prospectors tied a rope to the leg of the corpse and dragged it into the firelight, and found

it to be headless. They hastily buried the corpse and struck out for Monoville.

They found that Farnsworth's tale of Indian attack had been credited to such extent that a party of thirty, headed by Vining, was preparing to set out on a punitive expedition. When the prospectors told their story, it was concluded to be wise to hold Farnsworth until the matter was further investigated. Examination showed that the clothing over his wound bore powder marks. If a hostile had done the shooting, it was decided, the ball would have been directed at a more vital spot, and the man's escape would have been doubtful. Farnsworth was put into the shack that served as a jail, and Vining and his men went back with the prospectors.

On the way, two Indians were captured and held until events proved their innocence. The headless body was exhumed. A bullet hole and knife cut were found in the back, and inside a ring taken from one of the dead fingers was the name Robert Hume. The body was again buried, and all but four or five of the party returned to Monoville. In the meantime they had taken into custody, as a precaution, two men named Bailey and Peoples, the former a pioneer stockgrower who had taken cattle into that section, and who was afterward a respected citizen of Owens Valley. Satisfactory alibis gained their release. Bailey remained with the posse, went to the town with the returning detachment and on his return brought provisions for those who had stayed at the Farnsworth camp.

A log near the fatal spot was observed to have been turned in its bed. On being again lifted, its lower side showed ax cuts in which were bits of flesh, human hair and blood. Tracks led from it to the creek where the body had been found, and brush marks proved that an effort had been made to cover up a trail made by dragging a heavy object, supposedly the body. A pocket knife and buttons from clothing were found in the ashes of a dead camp fire. All circumstances pointed to the commission of the murder by a white man, and not by Indians.

Holes in the creek were dragged to find the missing head. The Indians, acquitted of all knowledge of the matter, had remained to assist, and it was one of them who, by means of a spur fastened to a stick, dragged the head to the surface. His ghastly success caused Lo to give a yell, drop his pole and flee. Bailey secured the head, which was taken to Monoville and identified as Hume's.

There it was placed in a keg and buried. Hydraulic operations washed it out later, and it was again buried. Once more it was accidentally brought to light, and was found to have become petrified.

Vining found, on his return to Monoville, that Farnsworth had escaped from the flimsy lock-up in which he had been confined, else it is probable that Monoville would have had its own instance of summary justice. Farnsworth was afterward reported to have been seen in Honey Lake Valley, California, but was never brought to justice for his crimes, or probable crimes.

The stream was named Deadman Creek, and so remains.

The principal details of the foregoing were related by Bailey, and in general substance it is all confirmed by several independent accounts.

AURORA, A CAMP OF THE SIXTIES

Just within Nevada's western boundary stands a dead town—dead but yet unburied by nature's processes. Buildings that in construction would not shame a modern town of some thousands of population mark the silent streets. Iron-shuttered and padlocked doors—the locks possibly a mass of rust—exclude the curious from structures which externally indicate soundness and readiness for occupancy; elsewhere, bricks of two stories, and at least one of three stories, are open to the elements, and upon them the seal of dissolution has been set. A gaping crater in the main street lets daylight into a caved brick sewer below, several feet in diameter.

The old jail stands wide open, offering hospitable welcome to whomsoever may accept its shelter. In one of its cells an iron staple secured a chain which doubtless served to keep more than one desperate malefactor where he could be found when wanted. Since this writer saw the old place, a later visitor has added both chain and staple to a collection of morbid souvenirs. In the other cell stood a number of coffin lids, which it seems did not tempt the collector. They might have been stored more appropriately in the ancient hearse which was to be seen in a vacant lot—possibly still is, if some curio hunter has not added it to his trophies.

The building housing the cells was once the county court house. Its conversion to other uses is evidenced by what may have been the court room; along one side extends a once finely finished bar (not of the court room variety), and behind it a big plate-glass mirror, sound as in the days when it pictured teeming life—and possibly sudden death. Near by is an old but sound and strong safe.

Perhaps other such scenes can be found in the place. But when visited in September, 1924, there was not seen, in the course of extended perambulations, a living person in the town; nor was there an animal of high or low degree, domestic or wild, in this city built as few mining camps have been. This was Aurora, almost forgotten save by those who neighbor it, though it was once the

mining sensation of the West, a municipality of some few thousand inhabitants, and a producer of millions of dollars in precious metals. Mark Twain, in "Roughing It," did something toward embalming its memory, and Charles E. Van Loan found in it space-filling material for one of his tales of "Ghost Cities of the West;" otherwise it might have been as unknown to-day as are Montgomery, Pahdet, Van Horn, Jacobsville, Geneva, Lander City and uncounted other erstwhile centers of excitement.

Van Loan's review contains one statement of graphic force as applied to Aurora: "It there is any place on earth that will make a healthy man think about disembodied spirits it is a dead mining camp, where the people seem not to be absent but in hiding—behind the doors, just around the corner." This fits Aurora perfectly. Yet the old place had more than an average share of every feature that distinguished the early-day camps from those of the present. One distinction in particular is part of its history: it made the most thorough and effective clean-up of the tough element that was made by any camp in Nevada.

There came into old Monoville in July, 1860, three pilgrims named J. M. Corey, James N. Braley and E. R. Hicks. Corey and Braley had gone from California to "the Washoe excitement" which developed Virginia City. But Washoe had no reward for them; and becoming acquainted with Hicks, a man of part Cherokee blood, the three decided to strike out for new pastures.

The time was not propitious for venturing into the unknown. Chief Winnemucca and half a thousand Piute braves had, in mid-May, badly whipped a white force of 105 men, killing 59 (according to the company roll, more by popular stories) including Major Ormsby, the commander, and wounding many more. Three weeks later, on almost the identical battle ground, near Pyramid lake, Nevada, the natives were punished with a loss of 160 warriors, while but three white men, including Col. Storey, the leader, were killed. This crushed the Piute spirit; and after waiting a month without further evidence of trouble Corey and associates concluded to take a chance.

Monoville, Bodie and Masonic districts were no kinder than Washoe had been, and the ranges about Walker Lake disclosed no bonanzas to the trio. Some word had reached them of rich finds at Coso, farther south, and thither they decided to go. They ascended a peak, to which Corey's name was given, in order to

spy out their course. On the second day after leaving the peak they found good grass and water at a place afterward named Esmeralda Gulch. This was on August 21, 1860. Braley, writing April 23, 1861, says further:

"I went over the hill across the main Esmeralda lode, and found the first silver ore discovered, on the Winnemucca lode, at a point where we subsequently set the center stake of our claim on that lode. The next one was located by Mr. Corey, the same afternoon, near the south end of the croppings on the Esmeralda lode. This we considered the most important prospect for a mine, after finding ore in some veins of minor importance. We posted notices of location on four claims, the 25th of August, the Esmeralda, Winnemucca, Cape and La Plata."

Those who are accustomed to seeing prospectors locate whole countrysides, after making a promising find, in the hope of selling something without wasting much of their own energy in development, cannot but be struck with the moderation of the partners. The difference arose from the fact that their intention was to actually mine. Braley's account continues:

"We then went to Monoville for supplies and returned about the last of the month with fifteen men accompanying us, when we organized the district, adopted mining laws, and elected a recorder. Then the trouble commenced." Braley was the recorder chosen. The district boundaries took in a hundred square miles, its lines running out across the hills and desert no one knew just where. Corey admired the word "Esmeralda," (Spanish for emerald), which he had read in Victor Hugo's "Notre Dame de Paris," and at his suggestion it was selected as the district name; this on August 30, 1860. Prospectors began flocking in, and within six weeks from the day that Braley broke off his first specimen a townsite had been laid out. By October 25th 357 locations had been made.

Let us digress to note a belief amounting almost to superstition among some classes of miners, to the effect that no mining discovery would become much of an "excitement" unless the original finders came to untimely or violent ends. In later years, the believers of this pointed out that out of 38 notable "excitements" the locators of twelve died from gunshot wounds, and a majority of the others drifted into oblivion or were buried in the potter's field. The fates of some of Virginia City's pioneers are noted in the chapters relating to that camp. Col. Storey, for whom

the county was named, was slain by Indians. Billy Farrell, discoverer of Meadow lake, died of remorse at having been the innocent cause of ruin for hundreds when his camp failed to make good its golden promises. The locator of Pioche is said to have been removed from earthly affairs by stopping a load of shot while trying to rob a stage. Bill Body perished in a snowstorm. Homer, of Homer district, suicided. Tuscarora was found by an insane emigrant, whose fate was unknown, but was believed to be either death at the hands of vigilantes or by drowning. And so the grim list might be extended.

Two, at least, of Aurora's discoverers were more fortunate. They "cleaned up" early in the camp's history, and Corey and Braley went back to California with $30,000 each, and settled down among the prune orchards of Santa Clara. Hicks' fate was more in doubt. When he left the camp to go back to Arkansas, he had $10,000; nothing was ever again heard of him.

Winter came early, and with severity. Its stress of weather, intensified by the camp's elevation of over 7,400 feet, did not stop a steady influx of people. A letter of February 20, 1861, said that Aurora contained over 100 places of abode, besides quite a catalogue of places of business. The hills were snow-covered, except part of the time on sunny slopes of southern exposure, and on such slopes a little mining progressed. Most of the inhabitants, having exhibited the American trait of hurrying somewhere to have time to wait a while, remained idle until the snow should melt. "Buying and selling town lots, ranches, mill sites, and other property of questionable value and dubious ownership is largely indulged in, while the business of trading and dickering in mining claims is not neglected," wrote the correspondent already quoted. "A large percentage of the population is wholly idle, or busied only about such trifling pursuits as pistol practice or games of cards and billiards. As for rational amusements there are none here. . . The boys also have a reprehensible practice of shooting at targets across the main street, a diversion not eminently calculated to soothe the nerves of one having occasion to cross the line of their fire. The terror thus inspired, however, is supposed to considerably enhance the fascination of the sport."

"The people of the district," said the same letter, "have decided on applying to the California Legislature for a new county, to be called Mono, saving a large portion of the citizens from being

victims of anarchy, or still worse, of being subjected to the hated and oppressive laws of Utah." It is to be remembered that Nevada Territory had not then been created, and Utah's jurisdiction extended to the vague California line.

Though flour sold in Aurora for $22 per 100 pounds, sugar at 50 cents a pound, and other commodities in proportion, board (of a kind) was only 75 cents a meal or $10 by the week. Hay cost 20 cents a pound, and a night's feed for an animal cost $3. Lumber was $350 per 1000 feet, and hard to get at that.

Claim jumping was greatly restricted by the unusual practice of the Recorder in refusing to record any claim until he had personally visited the ground and satisfied himself that it was correctly staked.

The move for a new county was agreeable to the California Legislature, though the Senate voted Esmeralda as its name while the Assembly insisted on Mono. One Senator objected to "Mono" because he believed it meant "monkey," while another learned Solon chose to give it the Latin interpretation "alone." It developed that when the Digger Indians first ventured across the Sierra Nevadas and found natives on the eastern slope they were astonished, as they had supposed themselves to be the only Indians in existence. They dubbed the Piutes "Monos," Spanish for monkey. Whether the word means monkey, or alone, or good-looking as another word expert alleged, it was finally agreed to, and the bill was approved April 24, 1861. Aurora, within eight months of the day when its site was first seen by a white man, was made the seat of government of the new county by a State which was later found to have no jurisdiction. All of which led to interesting complications.

By June lumber had dropped to $100 per 1000 feet. The district had 1400 inhabitants, and was growing daily. Goods were freighted from Sacramento via Placerville. Desirable lots sold at $1500. Pat Hickey's building, first in the camp and made of sticks, stones, shakes, canvas and mud, gave way to the march of progress and was replaced by two large brick stores. Four brickyards were established, and their product was fast used in putting up large buildings. A brick schoolhouse 20 by 40 feet was felt to be adequate for the 80 children in the place. Miners were paid $50 a month and board, or $4 per day without board; apparently the company boarding houses were of better grade than the general run of "hash houses."

Five arrastras—contrivances originating in Mexico and crushing ore by dragging heavy stones through and over it, in a stone-lined pit—were working, and in June, 1861, Green's custom mill of ten tons rating was trying to crush fifteen tons of ore daily, for the $50 per ton pay. It was on the Huntington mill order, familiar to mining people, and without amalgamating pans. In working, quicksilver was fed into the battery until free globules of that metal appeared; it was then considered that the battery was properly charged. Feeder Meredith, later Aurora's postmaster, piled in mercury one day until his machinery would not operate and the screens were so clogged that nothing would pass through. It was found that the receptacle was filled with amalgam so dry and hard that it had to be dug out with picks. Such was the richness of the Aurora ore of that day, "from the grass roots down." In fact, the mines were almost a grass-root proposition, for the deepest of the rich workings went down to only 94 feet. The Wide West, the fame of which Mark Twain helped to spread, made its largest production from within 50 feet of the surface.

Aurora continued to prosper, without developing anything worthy of special note in this record, through 1862. The miners mined, the millers milled, the gamblers gambled, and business generally moved along jubilantly. A number of company or custom mills were turning out bullion; the mines showed no signs of exhaustion. Everything was done under heavy expense, which varied greatly with the seasonal changes in facility of transportation and communication with the outside world. A veteran of Aurora wrote that late in the fall of 1862 the owner of the Winters mill paid 14 cents a pound for transportation of his supplies by ox teams.

Whatever of moderation in locating and holding ground was shown by the original discoverers did not affect their successors. A letter of the time observed: "I was introduced to a young man named Guppy who in his own name held 65,000 feet." (Mines in those days were held in terms of feet rather than shares.) "He said that he was not to be named in the same class with Uncle Ned, who owned about 100 feet in every ledge yet discovered; these already amount to 19,999."

As to the idle portion of the community, another correspondent wrote: "There are three occasions that bring together the male population. The most important is an alarm of fire. The bucket

brigade rushes furiously to the spot. One member at an alarm of fire came a mile and half from his camp, bearing two full buckets of water, arriving fifteen minutes after the fire had been arrested. Second in importance is the arrival of the stage, at present tri-weekly. The population gathers around the stage office as the hour approaches for the arrival. Some are expecting a wife, a sister or a friend; others are waiting to get a letter from 'the old folks at home;' some to learn what their claim is worth in the estimation of San Francisco capitalists. Men rush frantically to the post or express office who have never written nor received a letter during their residence here. Next is the classic amusement of dog-fighting. I judge there must be at least two canine specimens to every man, woman and child in the community."

Referring to the scenes at the outbreak of a fire, another letter writer told of the organization of the "Deluge Bucket Company," in 1863, when the place had attained the dignity of incorporation. This company acquired a hand fire engine. An alarm brought out the firemen one morning. The engine worked extremely hard, and in addition the water supply was so short that ere long the stream darkened and got blacker and blacker, until it was scattering diluted mud. The fire chief, driven back by heat, found that his force of pumpers had given out, and that on their abandoning "the old tub" the handles had been manned, so to speak, by women. The spectacle and the shouts of the women as they encouraged the weaker of their fair fellow volunteers caused the chief to drive them from the engine with a shout of "Let her burn!"

A letter of April, 1863, complained that every hotel, lodging house and miner's cabin was jammed full, and the congestion was not bettered by the arrival of two stages daily, each carrying 25 to 30 passengers. The boom was at its height. "Lots that could not be sold for $500 last year now bring from $2500 to $5000." The town had a full city government. It contained 3000 people, including 200 women and 80 children, Masonic and Odd Fellow organizations, two churches (none too well supported), more than twenty stores, twenty-two saloons, other lines of business and professions in full measure. There were 761 houses, this precise correspondent wrote, of which 64 were brick, and 300 buildings that would compare favorably with a like number in any other mining town. "There are only 65 graves—largely called into use because of sagebrush whisky,

poor doctors, some killed. There are now five mills running, three of which would not rate over 99 below zero in Washoe." By the spring of 1864 seventeen mills had been erected, of which ten were operating, a detail for which we have the authority of a pamphlet called "Esmeralda," dated 1879, written by Joseph Wasson, Assemblyman from Mono and Inyo counties.

MORE OF A PIONEER CAMP

There is some danger that such chapters as these will drift into mere uninteresting reminiscence and commonplace history, unimportant to any save those in the immediate vicinity of the place discussed. This it is our wish to avoid, so let us pass over some of frontier camp hardships with but the merest mention. Such classification would include the severe winter of 1861-2, when Aurora was so deeply snow-covered that the top of one of its mills stood but five feet above the white level, and lack of communication so isolated the place that for months its inhabitants subsisted on lean beef and whole barley.

Aurora had its newspapers, like other camps, a fact itself of no special moment. But the experiences of the publishers were exciting enough to merit a place in the annals of the craft. One of the editors was Major E. A. Sherman, whose Esmeralda Star had all the vigor of the war-time spirit of an ardent patriot, and the freedom of expression typified in later days by the mythical "Arizona Kicker." Once some of the thug brotherhood wanted Sherman removed, and hired an assassin for the job. Sherman was wounded, but lived to further point out the iniquities to which he objected.

The main item of his little plant was a hand press which came to California via the Isthmus, the second printing press to be brought into the State. Upon it, in San Diego, most of the humor of "John Phoenix," an early California wit, was published. After the press had been moved to San Bernardino, Sherman bought it, Ames, former owner, warning him thus: "In case you ever let this press be used in printing a rebel sheet, or dispose of it to a traitor, my ghost shall haunt you as long as you live." Sherman needed no such injunction. His paper, the San Bernardino Patriot, became so unpopular with the predominant Confederate sentiment thereabouts, and with the Mormon immigrants whom he denounced with equal fervor, that he preferred the security of a wild mining camp. It was in keeping with his career that to move the outfit to Aurora necessitated its being hauled through the field of the Owens Valley Indian war, escorted

by a soldier guard. Sherman himself was in western California when the move was made, and when he reached the mining camp he found that some one else had started his paper, using brown paper because no white had arrived; that the initial numbers were antagonistic to his own views; and no less serious, that a debt charge had accumulated which he had to give a half interest in the plant and business to settle. He was not backward about expressing his opinion of the whole transaction, for he wrote that he had to "struggle with secession enemies in front and at the same time be yoked with one by compulsion in business." Sherman was succeeded by one Avard, who during a trip to the Coast left Joseph Wasson in temporary charge. Wasson, like Avard and Sherman, was a red-hot Republican, but as much joker as politician. He took advantage of Avard's absence to turn out a thoroughly Democratic issue. When Avard read in other papers of the conversion of the Star to the Democratic faith he lost no time in getting home and straightening matters out.

There was a bona fide Democratic paper as well, the chief fame of which came from a duel in which its editor, Draper, engaged. Shotguns loaded with ball were the weapons; the distance forty paces. Neither of the first shots took effect; at the second fire Draper's bullet chipped off a fragment of the shin bone of his adversary, whereupon both parties agreed that the argument had gone far enough.

The financial situation was rather unsatisfactory for the Aurora officials, for after paying $3,000 for a year's rent of a building it was then bought for $12,000, with warrants which there was no money to pay. Bond issues of $22,000 and $25,000 were made to pay this debt and interest, but both issues were rescinded, unsold. Then an issue of $11,500 was made, with interest at two per cent a month. Six years later $8,000 still remained due, and more bonds were issued; money had cheapened in the meantime, however, for the new interest rate was but one and one-half per cent monthly.

When the courthouse building was bought, Civil War excitement was at its height. Aurora shared with other places in donating to the national Sanitary Commission, filling a purpose not unlike the later Red Cross. Among the donations were many of gold and silver ores. The Wide West mining company gave a specimen containing several hundred dollars worth of gold and silver. It was put up at auction; the buyer again auctioned it,

and the performance was many times repeated, all proceeds going to the Sanitary fund. Sherman was going east, and as the specimen seemed to have served its purpose in Aurora he took it to Boston. When he presented it to the president of the Pilgrim Society, he was given in return a fragment of Plymouth Rock. When this fragment reached Aurora, a cavity was made in the courthouse wall and the bit from the Atlantic shore was cemented into it. And somewhere in the wall of the old building, there probably still is a fragment of stone on which the foot of a Mayflower passenger may have been set.

Aurora became somewhat of a center for Nevadans who sympathized with the South. An effort was proposed to create a diversion in the State as a contribution to that cause. The fact that pro-Confederate meetings were being held became known, and the Union men in camp organized two military companies, the Esmeralda Rangers, cavalry, and the Hooker Rifles, infantry. The companies met in Armory hall; the Confederate meetings were held in a hillside building, one end of which was some feet above the ground. A bright boy found a way to get under the Southerners' meeting place, and heard enough of the proceedings overhead to keep the loyalists informed of plans. While the chief business of the military companies proved to be to merge with and support the vigilante movement, some little occasion arose for them to show their colors, as indicated by this extract from the Esmeralda Star of August 23, 1862:

"On Saturday night last about 11 o'clock a band of rebels made a complete pandemonium of our town, and continued their hideous orgies until late on Sunday morning, cheering for Jeff Davis, Stonewall Jackson and the Southern Confederacy.

"The demonstration was no doubt designed as a test, to see whether the orders lately issued from the War Department, directing all military officers to promptly arrest all such offenders and make them take the oath of allegiance or suffer imprisonment, would be put in force or not.

"Our officers, whose duty it is to preserve the peace, did not make themselves known, and consequently no arrests were made by them. They were truly *peace* officers.

"Lieutenant H. Noble, who is noble by nature as well as by name, and who has been an invalid for some time past, and stopping in our town to recruit his health, was repeatedly insulted by hoots and cheers for Jeff Davis in his presence, when those

cowardly villains knew he was feeble and thought they could take this mean, cowardly, contemptible advantage of the absence of his company (Captain E. A. Rowe's) which is stationed at Adobe Meadows, and they sought this opportunity to insult him, defy the Government and treat its flag with contempt.

"Lieutenant Noble, though weak from a long illness, determined to let them know that our Government and its authorities were not to be trampled upon with impunity. He told us" (Major Sherman) "that he was sorry that his company was not here, and that if he only had the men he would arrest them. We told him that he could have as many men as he wanted, and informed him of our position as Major of the staff of General Dobbie, of the Third Brigade of State troops." (It was thought that Aurora was in California.) "He then applied for a sufficient number of men to make the arrests. We ordered Captain H. J. Teell, of the Rifles, to detail a sergeant with ten men, to report forwith to Lieutenant Noble, which order was obeyed, and Sergeant H. A. Rhoades with his men reported to Lieutenant Noble as directed. The guard proceeded to the house to which the most rabid had retired, and though he offered resistance and clung to the house like a tick, he had to come along, although not without a good deal of trouble, and kicking private Michael Stewart on the shin, which Mike responded to by a forcible presentation of his toe in the rebel's rear, after which he made no further resistance, and was marched to the county jail and was placed under charge of Lieutenant D. H. Pine.

"Sheriff Bailey would not allow the prisoner to remain without being delivered up to him by a written order; he was then removed to a log building used by Colonel Wingate as a powder magazine, and confined under guard of the Rifles.

"In the meantime the secessionists about the town began to get their arms, were buying ammunition and moulding bullets; they also threatened to rescue the prisoner and take possession of the armory.

"It was deemed prudent to distribute all the minie muskets to the members of the Rifles, and the surplus to Union men who knew how to use them. The guard over the prisoner was doubled, and all the Union men were ready at the least alarm to rally to the aid of those on guard.

"Fortunately however for the secesh they made no attempt to carry out their threats, and the town was quiet during the night.

"On Monday morning the whole company of the Rifles were under arms, and at 10 o'clock the prisoner was brought out and placed in the center of the hollow square, and was marched by the company, with their colors flying at the head, to the flagstaff, where the oath was administered by Lieutenant Noble to the prisoner, A. Quinton; after which Lieutenant Noble addressed the people, telling them he considered the man but a tool in the hands of others who incited him to cheer for traitors, for the purpose of making a test, and to see if he would dare to carry out the orders from General Wright and Colonel Connor. He informed them that the next one would not get off so easily. After thanking the Rifles for so willingly obeying the orders given them, they gave him three hearty cheers. Then three rousing cheers were given for the Stars and Stripes, and the company dismissed, each taking his arms home with him.

"We trust that this will prove a salutary lesson to those who would insult our flag or defy the authority of the Government, and they may rest assured that so long as we have any right or authority to command, the Government shall be respected and its flag shall be honored.

"There are traitors in our midst who helped to fit out Showalter and his party (a company that started from California to join the Southern army). They have also helped to fit others out and given the rebels aid and comfort; but their game is now up and they are closely watched. Traitors have come in here from other quarters, but they will find this to be too hot a Union community for any of their kind, and the sooner they get out of it the better it will be for them, and if they remain we expect to enjoy the explicit pleasure in a few days of administering to them the oath of allegiance."

Apparently this affair quieted down the disturbers for some time thereafter, but another slight outbreak of the same kind happened long after Sherman and the Government soldiers had departed. As communicated to the compiler of these sketches by an eye witness, news of the assassination of Lincoln prompted one Judeigh, a lodging house keeper, to outspoken approval of the deed. The fact was reported to Fort Churchill, the nearest United States military post, and the commandant there ordered Judeigh's arrest. One morning the local militia congregated at the armory, and soon thereafter the command marched to Judeigh's lodging house and secured him. The spectator who

furnished these details said: "The sun was just rising over Last Chance hill and shedding its rays on the flag, always in evidence on the staff that had been erected, as the soldiers formed a hollow square around the prisoner. He was told that he was to take the oath of allegiance, otherwise he would be sent to Fort Churchill. Judeigh refused, at first, but on Capt. Teall's statement of what would happen to him at the fort, and on his wife's entreaties he finally consented. At that time it was no funny business to be sent to Fort Churchill. A 50-pound sack of sand would be placed on a prisoner's back, and with it he marched up and down the parade ground, with a soldier with a fixed bayonet to prod him if he lagged."

Among the institutions of Aurora, already mentioned, were two churches. "One of the parsons of the early days," said a reminiscent letter, "had a most pleasing personality and commanded the respect of all. The sporting fraternity were his special admirers. When he observed a gambler with a goodly stack of chips or coin in front of him from winnings he would quietly touch him on the shoulder and remind him of his good fortune; did he not think he could donate something to the Master? The usual reply was 'Help yourself, Parson.'" The dominie evidently considered that the money would lose its taint by being removed from the gaming table, to the precincts of which he went without hesitation as the spirit might move him. Another minister of the period taught school, ran a restaurant, worked at anything that presented itself. He was a noted cook and was always employed when a banquet was to be given. Though he was always broke and in debt, many a child was indebted to him, during the lean times, for shoes, stockings and other raiment. He inaugurated a universal Christmas tree, from which every child in town received a present, besides candy and nuts.

AURORA'S VIGILANTES

One cold night in 1863 there gathered in the cabin at Adobe Meadows, an isolated way station some forty or fifty miles southeasterly from Aurora, a select company of the class then ruling the camp and its vicinage. Their evening was broken into by a hail from the darkness without. When the door was opened the lamplight revealed a horseman, who was cordially invited to dismount and come inside. The rider said he would have to have help to get off the horse, as he was cold and stiff. Much sympathy with his plight was profanely expressed, while the genial host went to his rescue by drawing a pistol and shooting the horse, As the animal went down, its rider was assured: "Now you can get off all right."

An election for delegates to a Union convention was being held in Aurora in September, 1863. The ruffian element insisted on voting, regardless of qualifications, and moreover on permitting everyone else to vote. Each bully entered one of the polling places with a pistol in one hand and a ballot in the other, and the argument prevailed. At the other polling place in the town, it became known that a plan for stealing the ballot box was made; fifty riflemen were posted where they could command the scene, and the box was not disturbed.

Such incidents were mere evidences of playfulness among the ruffianly misdeeds occurring in Aurora. There was much worse done by one or the other of the ruling gangs, as for instance: A poor wretch named McGuire, a "check guerrilla" who picked up a precarious living around the gambling houses, went to sleep on a billiard table one night. Gangster Johnny Donovan came in, and on seeing the sleeping man drew a knife and plunged it to the hilt into the victim's body. Even his fellow toughs did not consider it altogether ethical to knife a sleeping man, so Donovan was arrested and taken before a justice of the peace. The purport of the evidence was that McGuire was a worthless, no-account cuss anyway; the facts of the cold-blooded murder were not contradicted, but Donovan was turned loose and the affair went into the records as "justifiable homicide."

One night a man was shot and robbed near a gulch filled with slimes from Wide West mill. The body remained in the street for some time, until the assassins concluded they might as well get it out of sight. They did this by throwing it into the slime pond, where it sank. It was positively known that a householder living within fifty feet of the place where the crime was committed had opened his window and talked to the killers, yet at the judicial hearing he testified that he had heard no shot and had seen no one that evening. Verdict, acquittal, of course.

One of the ruffian leaders was John Daley, aged 25, a graduate of the worst section of Sacramento. Whether he earned the right to notch his gun-handle before coming to Aurora, where his talents could have freer play, does not appear; but in October, 1862, he killed a man in an Aurora saloon, and in December ended the life of another in Carson.

In April, 1863, James Sears, one of Daley's followers, happened to be at Hoy's station, on Walker River, and there saw tied to a hitching rack a horse to which he took a fancy, so he mounted it and rode off. The owner, a German, was much distressed over his loss, and followed to a point now known as Wellington, where he told his tale to station keeper W. R. Johnson. Johnson directed an employee, John A. Rogers, to follow Sears and bring the horse back. Rogers overtook the thief at Sweetwater. His repeated commands failing to halt Sears, and the latter opening fire on him, Rogers settled the controversy by emptying two loads of buckshot into Sears, taking the horse and leaving the dead man by the roadside. The general opinion, outside of the Sears circle, was that Rogers had done a very creditable bit of business.

Daley and his pals did not agree with any such defiance of their right to do as they pleased. Accordingly they planned the death of Johnson, holding him more responsible than Rogers for the wiping out of Sears. They kept their intentions quiet, however, and as Johnson's home was several miles from Aurora they came in contact with him but little for several months. Finally an agent of the gang went to Johnson with a proposition that he take charge of the station at Adobe Meadows, presenting arguments as to why he should change locations. Johnson was agreeable, and came into Aurora February 1, 1864, on his way to Adobe. His friends got an inkling of what was proposed, and warned him that if he went to Adobe he would be

killed. He decided not to go, and told the gang agent that he had a note from his wife requiring him to go back to Sweetwater the next morning, but would go to Adobe later. Satisfied that their plot had been discovered, Daley and his lieutenants decided to dispose of Johnson that night. After he had gone to bed, some one called him and took him to a saloon, where he was plentifully supplied with liquor. No occasion for hostilities was offered by his conduct during an all-night orgy, and between four and five o'clock he started to return to his lodgings. At a convenient moment Daley either knocked him down or shot him, or both; William Buckley drew a knife across his throat, and by way of finishing touches John McDowell, alias "Three-Fingered Jack," and James Masterson, or "Massy," rifled his pockets and set his clothing afire.

The general facts became known through the town that morning, and the murder proved to be the final straw of a heavy load. "A man for breakfast" had been so common that the better citizens had lost interest in inquiring into the victim's identity, being content to know that another of the ruffian gang had received his deserts. But it did not take long to let the people know that a different sort of citizen had fallen to the gang's bloodlust, and dormant public sentiment sprang into action. There had been talk of a "citizen's committee" following the slime-pond murder, but as it harmlessly died down the Daleyites had felt secure as ever.

Within a few hours after Johnson's death a call went to trusted men to meet to organize a safety committee. That day over 400 names were enrolled and a full organization was completed. This Citizens' Protective Committee declared its objects to be to indicate to the helpless officers "to whom they could apply for aid, and to show the officers they had the confidence of the people." Also, said a letter written on the 6th, "it was known that two men saw the murder committed, and if brought before a court or jury they would not dare tell what they knew, if they were so disposed, for if they did their lives would doubtless be taken on the first possible occasion; but if brought before a committee of citizens, or were aware of this organization, they would be compelled to tell."

The committee also resolved that "while we recognize the right of self-defense to exist in communities, as well as individuals, we also recognize the supremacy of the law; and so long as

a hope remains that the parties guilty of the horrible crimes which have been committed in our midst may be brought to justice by the legally constituted authorities, the members of this committee will confine themselves to aiding the officers of the law in the efficient discharge of their duties." This pacific declaration was doubtless taken for what it was worth; the people knew that punishment for those found guilty of the particular crime would be certain, without the possibility of escape through the courts. So far as the law was a contributor to that end, it would be used. It was so used, in the calling of a legal Coroner's jury.

The jury, aware of the committee's backing—and doubtless themselves committeemen—went fearlessly after the facts. The murder occurred on Tuesday. The jury made a partial report on Wednesday, taking a recess for the Johnson funeral, the largest in attendance of any ever occurring in the camp. The report accused Daley, Buckley, McDowell, Masterson, Wash Parker, Phiney Gardiner, L. Vance, Italian Jim (who trying to escape, had been caught and had turned informer) and others as principals or accessories, adding: "We are of the opinion that the said parties are now preparing to leave, hence we render this partial verdict, according to the testimony thus far presented." The session continued through Thursday, witnesses, feeling that they would be protected, continuing to come forward. Arrests began to be made as soon as the report was presented, and twelve prisoners were put into the little jail from which two men had recently dug to freedom with a table knife. To prevent any repetition of such leakage, a strong guard was maintained at the jail, while armed men guarded the Coroner's office and the jury and others patrolled the streets.

Several of the accused were not caught in the first roundup, and lost no time in trying to get away from the aroused public sentiment. One was overtaken at Walker River; Parker, Gilman and Fagan, breaking for the south, were caught at Adobe Meadows by Sheriff Francis and a posse of ten. Buckley headed south, alone. A posse under Deputy Sheriff Teell followed him to Mono Lake, and there divided, one detachment of four going around the east side of the lake, the others, under Teell, taking the west shore, with Rush creek, at the southwest corner, set as the meeting place. The party of four reached Lee Vining's cabin, on Rush Creek, first. Their inquiry was met by a statement from men

there that Buckley was not at the cabin. A dog belonging on the place kept up a barking and seemed to be watching something in the brush. One pursuer thought he saw something thrown as if to drive the dog away. All four covered the brush with their guns while one of them went toward it. When he was but a few feet distant Buckley rose and said, "Boys, you have got me this time." He had traveled around the lake and through the country eastward. He declared he would rather be hanged than to suffer as he had from cold and hunger during the three days and nights elapsing since he left Aurora. The Esmeralda Star, which published this account of his capture, observed that his hardships "explain in great degree the cause of his cheerfulness and composure when on the scaffold." Buckley was taken to Aurora, where the committee took possession of him, as it had of all others, despite the objections of Sheriff Francis. There had been time enough between the Johnson murder and the arrests for one prisoner, Vance, to get a wound in a shooting affray.

By now the committee was supreme in Aurora. Every resident was with it, or counted against it; consequently not only the untrammeled better class, but also some others for their own welfare, enrolled for enforcement of better conditions. No two accounts agree as to the actual membership of the committee, but predominance of evidence indicates a total of about 600. There were plenty to furnish all needed guards and to patrol the streets. The quasi-martial law was directed by John A. Palmer, whose nerve had been fully tested as leader of a similar organization in Tuolumne county, California, before his coming to Aurora; and the decisions were made by an executive committee of twelve.

After all arrests were made, a Justice's court gave the accused a hearing and held them for trial. But the committee was not depending too much on the law's procedure and the probable marshalling of perjured evidence. and proceeded with a trial of its own. The forms of law, minus delays and petty technicalities, were observed, and the prominent attorneys of Aurora took part in the deliberations. One of them was E. W. McKinstry, afterward on the Supreme bench in California.

Where the justice had held the prisoners for trial, with the consequent expectancy of the law's uncertainties, the citizens' court did not make two bites of one cherry. It found most of the arrested men guilty, and forthwith pronounced sentence. Daley, Buckley, Masterson and McDowell should be hanged, it was

decreed, on February 9th, one week after the murder. Lesser fry, no better than their leaders but not guilty in the case under review, were banished, effective immediately.

A man named Carberry, better known as Irish Tom, escaped the death penalty by only one vote. Vance, nursing his wound in jail, was another of the banished. Four years later, in Austin, Nevada, Vance posed as one of the original bad men, and abused Carberry until the latter told him to wait until he could "heel himself." When Carberry returned, Vance shot at him several times without effect. The nervier Irish Tom walked up until close enough to be sure of his marksmanship, laid his pistol across his arm, sighted carefully, and snuffed out the Vance light. Carberry appears to have escaped the killer's usual fate of dying by violence. More than twenty years later a man who had known him in Aurora found him among the men working at the Syndicate mill, ten miles from the town, but he had never gone back. He told the former Auroran (Colcord, afterward Governor of Nevada) that when the day for the execution came, the prisoners were led out one at a time. He was one of the first taken out, and concluded that he was to be hanged with the others. The sight of the gallows unnerved the hardened men in the jail, Carberry said, and Daley said to McDowell: "Jack, do you know any prayer? If so, turn it loose before it's too late."

At noon of February 9th a guard of citizens marched to the jail and from among the prisoned wretches took the four condemned men. Guards had been posted at all points to command the situation. Accounts differ strongly in some details; one says that at least 5000 people witnessed the execution, miners having come from miles around; another says that orders had been issued for people not in active service to remain indoors, and that but few others than the militia witnessed the affair. There was at least a considerable crowd around the scaffold, which had been erected on the hill in front of Armory hall. Sheriff Francis, a guarded prisoner, looked from a window of one of the county offices. Deputy Sheriff Teell, who although captain of one of the companies had aroused some suspicion as to his view regarding Daley, was kept a prisoner in the hands of his own men.

In the meantime Governor Nye, in Carson, had been apprised of the situation, and had started for Aurora. Reaching Wellington, he stopped for the night, and the next morning telegraphed to County Commissioner Samuel Youngs, enjoining maintenance

of order. While the answer of Youngs is almost a classic, its exact wording is not positive; it appears to have been: "All quiet and orderly; four men will be hanged in half an hour."

The doomed men were taken to the scaffold together. Buckley was the first to address the crowd. He refused to drink the liquor that was offered, and spoke coolly, earnestly and respectfully, saying that he and Daley were guilty, but that Masterson and McDowell were innocent of the murder of Johnson. He had arranged for paying for his coffin. "I deserve to be punished, and I die a brave man. Adieu, boys, I wish you all well. All you boys must come up to my wake to-night in John Daley's cabin; be sure of this. Good bye; God bless you all." He then dictated a note to his brother Chris Buckley, who in later years acquired some note as the "blind boss" of one of the political parties in San Francisco.

Daley made but one final request, as he was led from the jail, and that was for all the brandy he wished to drink. It was freely supplied, until he reached the scaffold. Though he mounted the fatal platform with a steady step, he staggered while there; and when he was to stand up for the last time he had to be helped to his feet. He then spoke in a loud voice, using obscene and blackguard language to the crowd. He said he had killed Johnson because Johnson had killed his partner, and his only regret was that he could not live long enough to kill all who were connected with Johnson.

Masterson said only that he was innocent; his demeanor was cool and collected. McDowell, like Daley, was under the influence of liquor, and raved wildly, asserting his innocence. Just before his arms were pinioned he drew a derringer which some one had smuggled to him, put it to his breast and pulled the trigger. The cap snapped without firing the weapon, and he threw it down with an oath.

An hour and a half elapsed between the time the men were taken from the jail and the moment they stood on the trap, their eyes bandaged, hands bound. A small cannon signalled the trap's fall, and notified the town that justice had been satisfied. The bodies swung until after dark, when friends of the dead men were allowed to take them down.

Within a few hours of the hanging, Palmer, leader in chief, was informed that a crowd of the Daley stripe, from Virginia City's underworld, intended to make reprisals for the damage wrought

in thugdom. Many were on the way, said the report, and some of the leaders were already in Aurora. Palmer promptly laid his information before the executive committee, then in session. Edward Dexter, one of the guards at the execution, was called before the committee and asked to take charge of affairs that night under Palmer's general direction. He chose as his aides Benjamin Fowler, a member of the municipal government, and Bernard Staatz, a Prussian ex-soldier, and the three selected others to the number of fifty.

About 8 o'clock Palmer notified Dexter that the chief of the Virginia crowd and his lieutenant were in certain saloons in the town, and that both were to be arrested. Palmer, Dexter and one more man, each with Springfield rifle and fixed bayonet, went across lots to the bar of the Exchange hotel—the melancholy three-story ruin yet standing at the entrance to the town. Thirty or more Aurorans were gathered about gambling tables in the room, and the Virginian and an Aurora man were about to drink at the bar. The sawdust-covered floor did not betray the approach of the three, and before the visiting rough knew of danger Palmer's hand was on his shoulder. "Throw up your hands!" was the low-voiced command that he heard. "What for?" he inquired as he set down his glass and complied. "Look behind you," said Palmer. He did so and saw two bayonets within six inches of his body. "About face," was the next instruction, and the prisoner was taken to jail. The other suspect was taken in somewhat similar fashion from Teell's saloon.

When Palmer and Dexter returned to the jail later in the night they found the new prisoners in a state of collapse. Believing they were about to be hanged, the men were ready to comply with a command that they tell all they know. After this, they were supplied with saddle horses and taken to the stage road, where they were released with the warning never to show themselves in Aurora again. They were so grateful for their escape that they volunteered a promise of the finest entertainment that could be provided in Virginia for any of the committee who might come there.

Two Parker brothers, arrested in the wholesale round-up, were still kept in a room in the courthouse. Two saddled horses were found tied within a few feet of the nearest window. Wherever this help came from, it suited the committee, and the next morn-

ing the Parkers were told to make themselves scarce, which they promptly did.

At 9 o'clock a file of riflemen visited all saloons, stores, hotels and boarding houses, with orders for closing. One man objected, but when he heard a command for taking him to jail his view changed. The town was thoroughly patrolled, and the better element was indoors by choice. The leading trouble-makers had been hanged, banished, or were in jail. A few scattered pistol shots disturbed the night silence, apparently as a defiance under cover of darkness, but the shooters took care to be away before guardsmen could appear on the scene.

Governor Nye had gone back from Wellington, but two days later came to Aurora, accompanied by a United States marshal, a provost marshal, and his own nephew, Bob Howland, a prominent Auroran. The gibbet and its dangling ropes still stood, conspicuous as the main street was entered. "What's that up there?" inquired the Governor, and Howland replied; "That's the Aurora hay press." "I am sorry lumber is so high over here," was the Governor's remark; "it ought to have been longer so as to hold more." This is the Nevada version, from credible sources. Bancroft says the Governor gave command to "have that devilish machinery removed at once." Bancroft's history of those occurrences conflicts with other accounts, and is clearly wrong in some details. In any event the Governor entered an orderly, if unlawfully controlled, town.

In outward deference to the forms of law, he directed Provost Marshal Van Bokkelin to demand the surrender of the militia arms. Members of the citizens' committee gravely replied that the boundary question was still unsettled, and as Aurora might after all be found to be in California they could not deliver their arms to a Nevada officer. As it was general knowledge that the boundary had in fact been determined, though lacking complete formal ratification, Nye's acquiescence in this argument was significant of his approval of the steps that had been taken. He departed the following day, without other action.

But in public, the Governor's expressions were for law and order. This encouraged the undesirables, or so many of them as yet remained in the camp, to a counter movement. Teell, deposed militia captain, came out as their leader; and as he was still a deputy sheriff, he proceeded to appoint a lot of deputy deputies. He demanded release of the prisoners still held, and

notified the vigilance committee that he would take possession of the jail that afternoon. If such were really his intention he did not better his chances by announcing it, for once more spoke the cannon which had signalled when Daley and his fellows ceased from troubling. Guardsmen poured in from town and hillsides. The companies were ordered to fall in, and within a short time from 200 to 300 men were in ranks around the jail. Word was sent to Teele to come and get the prisoners if he could. His company, fortified with alcoholic courage at his bar, formed in order, marched part way up the hill, then melted away without taking the trouble to march down again. The militia called out the prisoners sentenced to banishment, and gave them traveling orders, which were immediately obeyed. Ten days later, the executive committee was satisfied that all trouble was at an end, withdrew the last guard, and dismantled its barracks.

The District Court, sitting in Aurora the next month, called a grand jury, with the usual instruction to inquire into public offenses. This body, without doubt containing men who had acted with the citizens' committee, gave the latter organization as much commendation as it felt free to do. It found that the "self-styled Citizens' Safety Committee was composed of over 600 of our best, most substantial and law-abiding citizens." The report was more an indictment of the law officers than of the vigilantes. "Having considered the fact that within the last three years some twenty-seven of our citizens have come to their deaths by the hand of violence, and the delays and inefficiency, and we believe also the indifference, of those who were the sworn guardians of the law, and the unnecessary postponement of important trials, whereby many notorious villains have gone unpunished, we are led to believe that members of that organization have been governed by a feeling of opposition to the manner in which the law has been administered rather than by any disregard of the law itself or of its officers.

"Under institutions . . . where all power for the correction of abuses emanates from the people themselves, it is not to be wondered at if they should exercise that power when tardiness or maladministration of law fails to correct evils complained of; and when those who are deeply interested in good and wholesome laws, and in seeing them properly administered, will not give sufficient attention to our elections to secure proper and sober

legislators, judicial and other officers, they must expect insecurity of life and property.

"The grand jury deplores the necessity that called into existence that self-styled 'Citizens' Committee,' yet it is believed that the members of the said association were influenced . . . by a due regard for what they deemed the best interests of the community at large. Feeling assured now that lawless ruffianism has been effectively checked, and will no longer dare put at defiance our law and its officers, and being satisfied also that there is a determination on the part of our officers to faithfully perform all their duties, we cannot by presentment effect anything that would result in public good.

"We believe that association has ceased to act and formally dissolved, but" (observe this significant indorsement and warning) "doubtless the members are ready, if ever sad occasion should again require it, to assert the right of self-preservation and natural law over defective statutory forms and tedious tribunals, when thereby the substantial ends of justice can be best or alone attained, and society relieved of the horrors of triumphant villainy."

No later occasion ever arose in Aurora to reassert the "right of self preservation and natural law." Villainy was never again triumphant there—not that the place became such as would pass muster as a moral center to-day. The thugs had learned by bitter experience that there was a limit to the endurance of the better class, often slow to assert natural rights but predominant when it chose to be.

BOUNDARY DISPUTES AND OTHER THINGS

How California's eastern boundary came to be located as it is; the struggle of pro-slavery and anti-slavery factions in the constitutional convention which decided the issue; the make-up of that convention; the effort of a pro-slavery leader to set the line so far east that it would include the present States of Nevada and Arizona, in the hope that Congress would admit two States instead of one and permit slavery in the southernmost; the efforts of anti-Mormon settlers in the then western Utah, now western Nevada, to be taken into California rather than remain under Mormon jurisdiction—these topics, and others related, are of more than passing interest to the student of political history. This record, however, concerns itself with only the results of the decision that the California line should begin at the intersection of the forty-second parallel of latitude and the one hundred and twentieth degree of longitude, thence following a southerly course to the thirty-ninth parallel; then, as if deflected as an oar blade would seem to be, in the limpid waters of Lake Tahoe, the line angles southeasterly to the intersection of the thirty-fifth parallel with the Colorado River.

Most of the southeasterly slant is through desert desolation. A speaker asserted, in the constitutional convention of 1849, that "every gentleman upon this floor knows that it is a perfect barren waste." No one disagreed with his statement, and probably to-day many would concur; yet it is true that so much of that "barren waste" as lies in California alone long ago gave up more mineral wealth than the nation paid for California, Louisiana and Alaska, saying nothing of other millions in agricultural wealth.

Almost every year after the first settlers reached Nevada, efforts were made to settle the location of the boundary—usually, on the part of the to-be Nevadans, by seeking annexation to California. Nothing was accomplished until the rise of Aurora and the creation of Mono County, California, and Esmeralda County, Nevada, each with that camp as its seat of government. Both these enactments were made in 1861. Aurorans themselves

divided on the question of jurisdiction, those of Republican faith generally declaring for Nevada, the Democrats for California.

Pursuant to the legislation establishing Mono county, an election was held for county officers on June 6, 1861. The result favored the Republican candidates. It happened that the men named to organize the county were Confederate sympathizers, and they refused to officially canvass the vote. For a time they defied even a court mandate, but finally performed their duty and declared the result.

James W. Nye, appointed Governor of Nevada Territory in March, 1861, issued a proclamation in July for an election for members of the Territorial Council and House of Representatives, including Aurora in one of the designated districts. This instruction was accepted by the Aurorans, after the Esmeralda Union Club, a strong patriotic organization, met on August 4th and recommended holding the election. The designated representatives were elected, for Nevada. At the election in June, Timothy Machin, representing Mono, had been elected to the California Assembly; two years later he was re-elected, became Speaker of that body, and was afterward Lieutenant Governor. The dual election in Aurora and the acceptance of its result in each case by the government claiming to have jurisdiction gave Aurora representation in two Legislatures; moreover, the same electors voted for both, and in all probability many of those electors had no legal right to vote.

Although legislation was adopted for organizing Esmeralda county, no election was called for county officers, Governor Nye preferring to leave administration of affairs in the hands of the Mono officers elected and acting, until such time as the boundary dispute was settled. He named a County Surveyor and a District Attorney, but the matter went no farther. The general election date throughout Nevada came in September, but did not affect the Esmeralda situation. In December the Territorial Legislature requested the Governor to proceed with organizing Esmeralda, but he took no action.

During this period the State boundary north of Tahoe as well as south was in dispute. Roop County, Nevada, had been half organized, with Honey Lake Valley, in California, as its most settled portion. Plumas County, California, claimed that valley. When a Roop County Justice of the Peace was fined $100 for holding court in Honey Lake Valley contrary to the order of

a Plumas County Judge; when the Roop Sheriff and County Judge were arrested for exercising authority in that center of a sparse population; when they were released by a Roop County mob; when a Plumas Sheriff's posse of 100 men again took the prisoners; and when a second rescue was made, the stage was all set for a lively little civil war. Armed forces of both sides fortified themselves in the town of Susanville, and exchanges of shots had more or less injurious effect on three luckless individuals in the contending forces.

This awkward situation terminated in a truce and an urgent appeal to the seemingly indifferent California administration to take some steps toward settling the dispute. Forty days later Commissioners had been named by both State and Territory to define the line.

When the survey reached Tahoe, Governor Nye named a corps of officers for Esmeralda, and in July, 1863, Chief Justice Turner, of Nevada, opened a term of court in Aurora. Judge Baldwin, of Mono, was holding court there regularly. Complications over the fact of two courts, under conflicting authorities, sitting in the same town were amicably arranged by virtually permitting litigants to make their choice of tribunals, the other judge then refusing to entertain the case.

The boundary survey was still unfinished when election day came in September, 1863, but the terms of all officers had expired. Elections were held for both counties, and for full tickets. Aurorans voted twice, in Armory hall for Esmeralda county, in the police station for Mono. The Union Republicans elected both tickets.

Within twenty days thereafter the survey ran its line to the westward of Aurora, thus locating the camp in Nevada. While disgusted pro-Californians freely asserted that the surveyors had deviated to favor Nevada, the statement was a slander; the survey was accepted. A later line differs slightly from the one then run, but not enough to affect the main question.

Judge Baldwin was holding court when the issue was unofficially settled. Objection to his jurisdiction was sustained by him, and thereafter his Aurora court was closed. Governor Nye appointed the Esmeralda county officers who had been chosen. On September 22d they were sworn into office, and Aurora at last knew where it was and who were its officers.

Immediately R. M. Wilson and William Feast, Clerk and Treas-

urer of Mono county, loaded the records on a wagon and took them across the State line. Mono's administration had offices under their hats until the following spring, when in pursuance of a vote Bridgeport was named as the seat of government and the authorities were installed in a little wayside tavern as a courthouse. Writers on the removal episode have told how ranchers of Mono, armed "to the teeth" (which is usually considered well armed indeed) rode into Aurora and helped themselves to the records. It has served to make a good story, consistent with the period; but the interesting and thrilling detail is denied by men who were prominent there at the time. Possibly there might have been more difficulty attending the transfer if the Esmeraldans had known, as they found later, that transcription of the records affecting themselves would cost $10,000. Not worth it, they said; the transcription was never made.

Most of the Mono officers were Aurorans, and so remained. One continued to live there and hold his Mono job; a few moved to Bridgeport. The Mono Sheriff was appointed a deputy in Esmeralda, so while fussy lawyers might have found details to which to except everything was arranged well enough to suit the pioneers. Aurora paid Mono taxes in 1861 and 1862, but none in 1863. Mono officers refused to recognize warrants issued before the transfer, on the ground that the expense was incurred for Esmeralda and should be paid by that county. Something like $20,000 was never paid; neither do the records show that Mono volunteered a refund for the past taxes collected.

Perhaps it is timely to again take up the reason for the camp's being—its mining, and some of the oddities connected therewith.

Mark Twain tells in "Roughing It" how he and partner Cal Higbie narrowly escaped becoming Aurora millionaires. The tale may contain truth, for most mining camps were the scenes of such experiences. Another of Aurora:

A prospector, after much profitless work, abandoned his tunnel on Wide West hill. A second locator tried it, and in clearing out the place set a "sprag," or brace, under a loose boulder in the roof. He also quit, and the next attempt was made by several associates. The sprag was insecure, and a new timber was set to hold up the boulder, one of the miners adding his strength to keep the rock from falling while the brace was replaced. When they gave up the place a fourth location was made. The last comer removed the sprag and the boulder fell. It proved to have

been what might be termed the plug stopping up a pocket from which the last owner took $40,000 worth of rich ore. The man who had held the boulder in place said he would have been rich if he had not been so strong.

The ignorance of ore working in that richest period of silver mining seems strange to-day, and so do the experiments tried, not from a reasoned-out basis but on the hit or miss plan.

"In those days," wrote Horace Marden, Aurora pioneer, "ore was never assayed, either by sample or after passing through the batteries, to determine its value. The usual method of ascertaining value was to put a certain number of cups of quicksilver, weighed, into each amalgamating pan. After running one charge, a cup of quicksilver was drawn and weighed, and from the amalgam it contained the value was determined.

"In the early days of silver mining in Nevada there was no authority to guide one but a treatise on reduction of ore based on conditions found in the Hartz mountains, Germany. Have studied them when I should have been sleeping; might as well have studied the Talmud so far as any practical information was obtained. It authorized the introduction of sulphate of copper, sulphate of iron, sulphuric acid and other acids, so many ounces per ton of ore. Salt was also recommended. The result was many failures to save the precious metals, consequently many men called themselves amalgamators. When some one by chance would happen to let the ore work itself by not getting much of anything into the pans, he became an expert. Some very peculiar combinations were invented. Have observed large containers filled with sagebrush steeping to furnish broth to put into the pans. In all that period in and about Aurora I never met an educated mining engineer.

"A case was on trial in the U. S. Court at Carson City. A man posing as an expert was on the stand. The opposing attorney commenced his examination by propounding the following: 'Do you know what is considered a mining expert?' 'A mining expert is a man who looks wise, wears glasses and talks Dutch.'

"A man who drove an ox team went to White Pine county and later became a man of some note. He was put on the stand in the United States court. As an expert he was asked to tell the jury the constituent parts of quartz. After some moments' consideration he replied: 'Well, it's just quartz; any fool would know that.' "

Lord's "Comstock Mines and Miners" says: "Process peddlers hawked about their wares at high prices and mill superintendents dabbled with odorous chemicals in private laboratories."

Dan de Quille, in "The Big Bonanza," bears similar witness: "Not content with the results obtained by the careful use of mercury, salt and sulphate of copper, all manner of mixtures, liquid and solid, were added to the pulp in the pans, with a mysterious formality which matched the demeanor of the three weird sisters in compounding their hell-broth. Drugs with strange names were tried in allopathic and homeopathic doses; acids of all sorts were poured over the steaming mass; bark from the cedar trees and the native sagebrush was boiled to a strong decoction and the bitter tea administered to the patient pulp. A humorous observer remarked, with apparent truth, that "the object of many inventors of processes appeared to be to physic the silver out of the rock, or at least to make it so sick that it would be obliged to loose its hold upon the matrix and come out to be caught by the quicksilver lying in wait for it at the bottom of the pans.' "

The result of such ignorant handling of ores was that none worth less than $75 a ton could be made to pay, with the heavy charges for milling and the large percentages of value that were lost in working. There was also so much waste and carelessness in handling that in 1868 one of the mills was torn to pieces to procure the rich amalgam that had piled up around the battery.

Aurora had much of what in later times is politely termed "high-grading," a better sounding term than plain stealing. There was much "picture rock" in the mines, and no special precautions to guard against its theft. A number of small plants for handling stolen ore existed. One foundryman put in a little mill to work such ore as miners would bring to him in their pockets, dinner buckets, or other places of concealment as might be handy when they quit the day's work. There being no system of assaying, "buyers would spit on the sample," said Marden, "rub it, look wise and name their own price." Under such loose conditions, it was quite easy for miners who submitted ore legitimately taken from their own mines to deceive themselves as to its value. In consequence, the millmen had to stand many accusations of unfairness, however honestly (according to their best standards of judgment) they might deal. Mr. Marden wrote

that if he had all the bullion he had been accused of stealing he could have left the camp with a competency.

An incident of the boom days was a lawsuit between the Pond and Del Monte companies over certain ground, which property the Del Monte held by guards armed with shotguns of large bore and wicked killing ability, of a type that became known through the region as "Del Monte guns."

The best years of Aurora ended with 1864, when the first discovered deposits gave out at less than 100 feet depth. High-grade veins were followed as they pinched down, even to half inch seams which were profitably "spooned out." Even that resource vanished, and no new finds were made. Experts said that at 1000 feet the layer of barren quartz would be cut through and good ore found. A new effort was made at the Del Monte, in 1878, after long idleness; a shaft of 1000 feet was planned. Water came into the shaft at 500 feet so copiously that the largest pump then obtainable on the coast was installed to handle it. Unprofitable work went on until 1881, when the depth reached was 800 feet. There the inflow increased beyond the pump's capacity, and the foreman went down to see what was to be done. The descending cage plunged completely under water. The engineer, lowering carefully, at once saw that something was wrong, and hauled up the cage in time to save its passengers from a watery death. They stopped the cage at the next level and took on miners and what machinery and tools they could before the rise of the flood compelled them to move on. Timberman George L. Albright, who stated this incident, and who was on the cage, said that a car that was left at the last level at which the cage stopped is still in the mine, with 500 feet of water between it and the surface.

The decline of the camp was accentuated in 1883 by the removal of the county seat to a new town. As might be supposed, this blow was not complacently accepted. When this is written there are at hand a number of vitriolic and skillfully drawn cartoons, emphasizing the charges of graft which circulated freely. One of the legislators from Aurora supported the removal. His return to the camp might have been peaceful, but when he ascertained that his fellow citizens there had hanged him in effigy he had no special desire to test the point.

About the same time the Cortez mine, the last of the old-time workings, suspended operations. Most of the few hundred in-

habitants departed for other scenes. Shortly after the county seat removal became a fact, Aurora's last Fourth of July celebration was held. The verdict of one of the few old-timers who saw it was that it was more of a lodge of sorrow than celebration.

Money has been spent since, in spasmodic efforts, in the once rich hills, but seemingly they have already given their all. Let winter snows fall as deep as they will; it no longer makes any difference to Aurora. The only whistling in the old town to-day is that of winds through the broken casements and around the crumbling walls.

When Van Loan wrote his "Ghost Cities of the West" in 1915 he was sufficiently impressed by some one's poor memory to set Aurora's production up to 1869 at $29,000,000, said to be on the authority of an express agent who handled the bullion. Joe Wasson, writing in 1879, quoted identically the same authority, but for the same period (up to 1869) set the total at $12,000,000. Thompson & West's Nevada history gave the total up to 1880 at $16,000,000, which is probably not far from correct and which after all is quite a bit of pocket-money to have come from such shallow depths.

VIRGINIA, QUEEN OF MINING CAMPS

During the last half century, one of the stock phrases of the ever optimistic prospector, in seeking to indicate the limitless value of his latest find, has been "another Comstock." One really great camp after another has risen, flourished, died, adding millions of dollars to the world's stock of gold and silver; but not one of them has equalled Nevada's Comstock Lode, on which was, and is, situated Virginia City. It stands unrivalled, with an authenticated production of more than three hundred millions in its first twenty years of existence, and with more than sixty years during which the camp has never been wholly at a standstill.

Among the names associated with its beginnings, the two most prominent were not the most deserving of honored preservation. The great lode took its designation from Henry T. P. Comstock, whose part was principally that of appropriator of the discoveries of others. Virginia City took its name from the native State of "Old Virginny," James Finney as he was known in Nevada, James Fenimore as he was before an encounter in the Kern River, California, mining fields caused a change of his place of residence. He was credited with suggesting the camp's name when, in the course of one of his frequent grand drunks, he tumbled over and broke a loaded whisky bottle, and rather than waste the libation to Mother Earth he utilized the disaster by declaring: "I christen this ground Virginia." The designation was adopted by a miners' meeting in September 1859.

Neither of these individuals appear to have been as worthy of being the name parent as John Orr, who first found gold in that general region; or the Grosch brothers, first to make a systematic and reasoned search for the ledges and apparently to find them. And when all's said and done, the most direct credit for the discovery seems to have been due to two men bearing the possibly more prosaic names of Peter O'Riley and Patrick McLaughlin.

William Prouse, a young Mormon with a train en route to California in May 1849, found specks of gold in the sands of a creek flowing into the Carson river. The Sierras were impass-

able, and several of the party returned to what they named Gold Canyon. John Orr, following up the stream, found a golden nugget in the earth uncovered by his moving a stone. Other emigrants took up the search, and the new diggings were fairly opened. Next came one Ygnacio Parades, guided to the camp by two native Californians, and with him a troop of peon miners. The little camp of Johntown grew. Among those who arrived were the two "Olds," "Old Virginny" and "Old Pancake"—the latter otherwise Comstock, who earned his soubriquet by his aversion to bread-baking; McLaughlin, O'Riley, Hosea Ballou Grosch and Ethan Allen Grosch.

The brothers were of a different stamp from their associates in the camp. The sons of a Pennsylvania minister, they had some education, including training in mineralogy and chemistry. From the time they set sail from Philadelphia in February 1849 they seemed to have been marked by malignant fate. On their voyage a storm drove the vessel from its course, and lightning shattered a mast. Landing at Tampico, they contracted for transportation to San Blas, on the Pacific shore of Mexico. Eighty miles short of that destination, the contractor confessed his inability to finish the journey, and they were stranded. Struggling on, they contracted diseases incident to exposure and hardships, and reached San Blas on June 23d. After delays there, they managed, by paying in all they had, to get passage on a sailing vessel which reached San Francisco August 30th. Hosea was so ill from his hardships that they were unable to go to the gold fields before the next summer. What little they made in the California placers they lost through an unlucky venture, and in 1853 they joined the colony at Johntown. Becoming convinced of the existence of a great lode, the source of the Johntown placers and particularly of the neglected native silver found there, they tried to get backing for exploration, meanwhile scratching out a living only. One of their letters said: "Native silver is found in Gold Canyon. It resembles sheet lead broken very fine, and lead the miners suppose it to be." Continuing to work in the placer mines, they intermittently maintained the search for the ledges, and in 1856 wrote: "We found two veins of silver at the forks of Gold Canyon. One of these is a perfect monster." The next year they traced the veins, and in August, Allen wrote: "Our first assay was one-half ounce of rock; the result was $3,500 silver to the ton, by hurried assay, which was altogether too much

of a good thing. We assayed a small quantity of rock by cupellation from another vein. The result was $200 per ton."

During the summer of 1857 they succeeded in inducing one George Brown, a Carson Valley stockman, to promise the money needed for development as soon as they should determine the existence of a rich ore-breaking ledge. Dropping all else, they were preparing to master the problem—and that very day news came to them that Brown had been murdered. On August 19th Hosea drove a pick into his foot, making a wound which in those surroundings could not receive proper attention, and from which he died two weeks later. Allen worked hard to pay off the debt incurred by his brother's illness and death, and succeeded. Anxious to get away from a place of painful memories, he and a companion set out on November 20th to cross the Sierras. A snowstorm came upon them at Tahoe, obliterating the trails. Appalling hardships attended their crossing of the mountains. Allen had laid down in what would have been his last sleep when his companion heard a shot which guided him to a party of deer hunters. The men were taken to Last Chance, on the American River, on December 2d, and Allen died there ten days later, without having spoken. Brown, the only man besides the brothers who had accurate information about the great ledge, had been murdered; Hosea was dead; and Allen, in his desperate situation in the mountains, had stored his assays and maps in a hollow pine which no one ever found. While there was no doubt of their having made the find as they claimed, all knowledge of its situation was lost.

Then appeared Finney. Not inclined to develop any claims himself, he was regarded as somewhat of an oracle on where ore was to be found. On February 22, 1858, he climbed up the slope of what was known as the Sun Peak (afterward Mt. Davidson, after a San Francisco banker) to where he thought indications were good, penciled a location notice and hid it under a piece of quartz in a crevice. Columbia district had been organized, and mining regulations had been adopted; but their requirements for work on claims were disregarded. Finney never so much as scratched the ground; nevertheless his location continued to stand as ample and valid, and some years later the original notice was resurrected in the interest of a company then claiming the ground. During the next season Finney made $5 to $25 a day washing gravel a mile distant from his location.

Comstock and Finney made locations at what they named Gold Hill, their lines including an area later disclosing some of the greatest mines of the camp, such as the Belcher, Crown Point, Yellow Jacket, Imperial, Empire and Kentuck. In their estimation the decomposed croppings they worked were merely surface placers. It was said that "Old Virginny" parted with most of his holdings for an old horse, a pair of blankets and a bottle of whisky.

The Johntown placers were about done by the end of 1857, up to which time they had yielded nearly $550,000, according to estimates later made for the United States Geological Survey. One of the best claims was that of James B. Ellis, who for seven months harvested $12 to $20 per day for each man employed. But the field was nearly exhausted, and the miners scattered in a new hunt. McLaughlin and O'Riley went to placer mining near a tiny spring at the head of the ravine. Their reward was so slight that they considered departing for other diggings; but believing that better use of the water supply might help, they began excavating a small reservoir for water storage. At four feet depth they struck a stratum of the rich ore of what was afterward the Ophir mine. Black sand and other valueless substances had been an annoyance in the Johntown workings, and the Irishmen did not welcome the friable black rock and yellowish sand that they shoveled out—silver sulphurets and chloride of silver, as it later developed. However, they rockered out some of it, and when they found the bottom of the rocker glittering with light-colored gold they thought it to be worthless stuff.

Comstock, ever alert to profit by the labor of others, had installed himself in the Grosch cabin, and worked his claims by the cheap labor of two Indians. This left him free to roam the hills as he might wish. His lucky star guided him to the McLaughlin-O'Riley claim at the very time they had rockered out the gold. When he saw the result, he informed the astonished Irishmen nothing of the value of their find, but said the ground was his. He had filed on a 160-acre ranch, he said, covering that identical place. The improbability of any such location on those rough and barren hill slopes did not prompt the ignorant owners to question his allegations, and rather than have any trouble they added the names of Comstock and a friend of his, named Penrod, to their location notice. As a matter of fact, no

record of any such filing was ever found; Comstock appears to have worked a dishonest hold-up. He next demanded that as the spring was on his land, he must be paid for the use of the water, and so 100 feet of surface (afterward the Mexican mine, one of the richest) was segregated to him. Then one "Kentuck" Osborne got into the game and into the ownership some way, so that by the time McLaughlin and O'Riley got through obliging their visitors they each had but a one-sixth interest in the three claims they had taken up.

McLaughlin sold his one-sixth interest the next year for $3,500. O'Riley held on longer, and got $40,000 from a man who was regarded as a wild enthusiast. Alva Gould, a locator on the same vein, sold out for $450, and was not laughed at when he rode down Gold Canyon boasting with drunken self-complacency how he had fooled the California buyer. The ground included in these transactions afterward produced $20,000,000.

Comstock appears to have had the idea of getting rather than keeping, and was induced to make over his interest in the claims to one shrewd Herman Camp, without consideration of any kind. Little as was thought of the prospects, this generosity made him the butt of so much joking that he had a change of heart and persuaded Camp to submit the transaction to a jury of miners. They happened to be Comstock's friends, and doubtless Camp was somewhat chagrined when they tore up the deed he had confidingly placed in their hands.

Comstock did better on his next trades, he and Penrod getting $9,500 for their segregated 100 feet. He sold his share of the McLaughlin-O'Riley claims, whatever interest he had in the Virginia townsite, some Gold Canyon property, and other possessions for $10 in hand paid and $11,990 to be paid later. Each dollar of that transaction was worth easily ten thousand times as much in later years. By the spring of 1860 John B. Winters was the only one of the original owners on the ledge who retained any interest. Five-sixths, 1166 feet, of the combined locations were sold to the then organized Ophir company in April 1860 for $70,601—why the odd dollar history sayeth not.

The richness of the discovery was a belief in California before the Comstockers themselves awakened to it. An assay was made in June 1859 of the ore rejected by McLaughlin and O'Riley, and showed the astonishing result of $3000 in silver and $876 in gold, per ton. That was the forerunner of a rush, beginning with the

Nevada City, California, people who were first made acquainted with the facts. In August 3151 pounds of the ore was taken to San Francisco, where it was sold for $1.50 a pound. During November 38 tons of Ophir ore went to San Francisco for reduction; its gross yield was $112,000, expense of reduction the almost incredible figure of $412 a ton, and the transportation charge $140 a ton. The enormous profits, despite such enormous exactions, stirred the coast city. Quantities of gold were fairly common; but silver in such masses was something new. Crowds gazed at the bars of white metal, and the question of the hour became, how to get to the rich deposits.

The Sierras were blockaded with snow. Freight piled up in Placerville, end of the open road, by hundreds of tons, though owners offered 50 and 60c a pound to have it carried through. When roads were opened they were the roughest imaginable. One vehicle loaded with passengers went over the edge of a cliff, and its occupants were saved from ending their journey in the bottom of the canyon by the circumstance of the outfit landing in a pine tree during the descent. The transportation of 1500 pounds of freight for 50 miles, in April 1860, cost its owner $120. But people and freight went. It was estimated that the freight hauled by 353 wagons that year was over 6500 tons, and that its moving cost over $1,350,000.

Enterprising John L. Moore left San Francisco in March with a stock of "merchandise"—10 gallons of brandy, costing him $6 a gallon; 30 gallons whisky, at $3.75; 10 gallons rum, at $3; 70 gallons wines; and for the rest of his load of some 2100 pounds, 200 pairs of blankets, at $2 a pair, and 20 dozen tin plates at 22 cents a dozen. We may be sure that the bargains he got in buying were not passed on in selling. He got a packtrain to take his load on from Placerville, he paying 50 cents a pound freight, and reached Virginia March 31st, 1860. Virginia's first carpet went on the floor of his 15 by 52 tent, and Virginia's first American flag fluttered from its top. A canvas partition divided the place into bar room and lodging room. The side of an emigrant wagon, set on stakes driven into the ground, served as a bar. By the end of his first day Moore did $200 worth of business, even though his liquors did begin to have a somewhat diluted taste. Nor was there cause to complain of lack of patronage for the lodgings, for that night thirty-six customers each paid a dollar for brief enjoyment of his two-dollar blankets, spreading them

on the hard ground inside of the tent, and fifty other applicants were turned away for lack of room. A few favored ones laid their heads on pillow ticks stuffed with hay which had cost 50 cents a pound. Others went pillowless because the starving mules of the packtrain had eaten up a lot of shavings brought from Gold Hill to serve as feathers. Moore continued to do a thriving business, managing to keep up the all-important liquor stock; but food was a different matter.

The first flour to arrive was sold at auction at a dollar a pound. Previously, the supply had been bought from emigrant trains, sometimes costing $2.50 a pound. The Mormons, some 450 souls, who first setttled Carson Valley had emigrated in a body, in September 1857, returning to Salt Lake under orders from Brigham Young. The Gentiles who succeeded them began to grind wheat to meet the miners' needs as well as their own, and flour took on a standard price of 15 cents a pound, while potatoes fell from a dollar a pound to five cents. In 1854, barley had sold for 44 cents a pound.

By the time the rush began, the frequent designation of "Comstock's claims," "Comstock's lode," etc., had fixed upon the great deposit the name by which it became world famous.

One John Bishop built the first arrastra, on a location which afterward became the California mine. He sold out for $4,000, to buyers who in their turn realized $1,800 per foot for the ground. When the time came that it was valued at $50,000 a foot, Bishop was working for day's wages in the ground he had once owned.

Mining camp superstitions lost no credence from the fates of the original owners of the Comstock. The man whose name the lode bears died as a suicide. Finney was killed by being thrown from a horse during a drunken spree. O'Riley ended his days in an insane asylum, and McLaughlin died in a county charitable institution. The fates of the Grosch brothers have already been detailed.

DESPERADOES AND THE 601

To be a "chief" in Virginia City was the crowning ambition in the mind of the Nevada "bad man." He might have come from California, where, by the time the Comstock began to flourish, some semblance of legalized control was generally asserting itself, and in consequence he considered the new fields of Nevada less risky than his accustomed haunts; besides, while in California camps "bad men" were looked on as merely the ruffians that they were, the class was accorded a certain standing in Nevada's underworld. Others of them had found Montana's climate unsalubrious, about the time the vigilantes of that impulsive young region hanged an even two dozen desperadoes within a period of not more than six weeks. Die by bullet or knife such gentry might, according to the fortunes of war; but to pass out by the rope route was an idea no properly constituted "bad man" would willingly entertain for a moment. So from all directions they came to Nevada's safer refuge, to join the home-developed contingent of that stripe. Every lively camp had its specimens, but to attain such distinction in Virginia was to become noted in the craft.

From all accounts, the most thoroughly heartless scoundrel of all Nevada's scum was Sam Brown. While most others of his class possessed some redeeming trait, charity for the unfortunate, helpfulness for the needy, avoidance of bloodshed by preference, or even only precision in dress or inoffensiveness of manner ordinarily, Brown's biographers set up not a single mitigating allegation in his behalf. Like most of his kind, he reached Nevada with a ready-made record, having already committed a murder in Texas and three in California, and having served a term in San Quentin prison. One version has it that his entry into Silver State history began with a murder in Carson; another is that notice of the arrival of another killer was given when he plunged his bowie blade into the body of an inoffensive victim in Virginia, then wiped the red weapon on his trousers leg, sauntered over to a billiard table, and lying down on it went to sleep.

He was one of the Carson City Rangers, a small company

among those under the ill-fated Ormsby in the Pyramid Lake defeat by the Piutes; and in that affair he escaped by the expedient of pulling a fellow campaigner from the latter's own horse and leaving him to be slaughtered, while Brown rode to safety.

It was told that for a time Brown was employed as keeper of a way station, to which there came a weary and hungry traveler. Brown indicated a piece of bacon hanging up, and handed over a bowie knife with which to cut the meat. Then he reconsidered, and informed the traveler that he was a little superstitious. The knife had killed five men, and he believed it would be bad luck to use it for cutting bacon. It appears that the guest was a little superstitious himself, for he went away without the food.

Dan de Quille wrote of this burly bush-whiskered bully: "He was a big chief, and when he walked into a saloon, a side at a time, with his big Spanish spurs clanking along the floor, and his six-shooter flapping under his coat tails, the little 'chiefs' hunted their holes and talked small on back seats."

A magazine writer has told how Stewart, later Senator, had Brown on the witness stand in a murder case, and that Brown was compelled, under the menace of a steadily aimed pistol, to admit that he knew nothing about the matter, though he had come far to free his fellow killer. Stewart's own reminiscences give a different version, to this effect: Stewart was asked to assist some miners in arbitrating a dispute over mining claims. The principals went into a small room, chose three arbitrators, and had a justice of the peace present to swear witnesses. Stewart wore an overcoat, in the pockets of which were derringers which carried ounce balls. "I heard the clattering of Mexican spurs," wrote Stewart. "A voice said 'How are you, Brown?' I instantly made up my mind that it was Sam Brown. The Utah officers dared not arrest him and he had everything his own way. I knew very well if we met in that small room some one would be killed, so I cocked my two pistols, pointed them at the door, and when he came in held them aimed at his breast. He swaggered in, raised his hand and said 'Swear me.' I called out to the justice, 'Swear the witness,' which he timidly did. I then inquired what he had to say and what he knew about the case. He claimed some interest in the ground. After he had testified he went out. The referees went into the other room and I followed behind the others present. As I confronted Brown I continued to hold my pistols in front of him, supposing he would attack me when I

came out. Although he barred the way, using profane language, he said he liked my kind, and asked me if I would take a drink with him. We touched glasses and we parted friends. The next day he called on me in Carson and wanted to employ me in a lawsuit he expected to have at Aurora."

It was that same day, according to Stewart, that Brown decided on a trip to Genoa. Another witness alleges that before starting Brown said that the date, July 6, 1861, was his thirtieth birthday; that he had killed eleven men, and by way of celebration would fill out his dozen that day. Riding up to Vansickle's station, accompanied by a young man who said he had been forced to come, he was met by the station keeper, who asked if he should put the horse away. "No, I've come to kill you," was the greeting, as the desperado drew a pistol. Vansickle's own account naively and doubtless truthfully observes: "I at once left the scene." He ran through the dining room, Brown dismounting and pursuing with cocked pistol but without getting an opportunity to shoot. Seeing other men there, Brown returned to his horse and rode on.

Knowing Brown's reputation, and fully expecting to be killed if another opportunity offered, Vansickle determined to bring the matter to an immediate settlement. Mounting a horse and taking a shotgun, he followed Brown for three-fourths of a mile and came within shooting distance. Calling to the third man to get out of the way, he opened fire without doing any damage. He rode closer as Brown returned the fire. Another shot knocked off the ruffian's hat, whereupon Brown rode away as fast as he could. Vansickle reloaded and followed for three miles before again getting within range, again wasting his ammunition. Brown took one route where the road divided, Vansickle another and shorter way. Reaching a point to which he knew Brown would come if he kept on the route taken, Vansickle waited until Brown rode up without seeing him. Vansickle remarked "Now I kills you!" and did so very effectually, by emptying two loads of buckshot into his body. He insisted on an investigation, and received a commendatory verdict.

Another of bloody record and awe-inspiring reputation was "Farmer" Peel, an individual of temperate habits, dapper dress, quiet demeanor and slight build. Before arriving in Virginia he shared in a duel in Salt Lake City, in which both he and his opponent fell from pistol-shot wounds. Peel crawled to his

fallen enemy and finished the fatal work with a knife. During the time of Peel's "chieftainship" in Virginia a rival aspirant, "El Dorado Johnny" Dennis, saw fit to challenge his supremacy. Johnny had himself carefully barbered, saying that if things didn't go right he wanted to look nice. It was said that he made a fine-looking corpse. Peel wound up in Montana, where a former partner killed him.

One of the most notorious of the score or more of toughs on the Comstock was Jack Williams, who held the office of deputy city marshal, and between times committed robberies. In one of his affairs he killed William Brown. Mark Twain quotes a witness who testified at the inquest: "After walking out, Mr. Foster remarked that Mr. Brown was dead. Oh, there was no excitement about it—he merely remarked the small circumstance." A few months later, Williams was standing by a card table and was riddled with bullets from a gun which was thrust through the crack of a door.

Strange to say, the flouting of law ran on for more than ten years in Virginia before the better citizens decided that conditions imperatively demanded improvement. A special epidemic of incendiary fires, murders and robberies finally prompted creation of an organization. The first public notice was the taking of Arthur Perkins Heffernan, a murderer, from the county jail. His hanging body, found the next morning, had pinned to it a paper bearing no mark except the figures "601." This was understood to be the designation of the vigilantes, and was afterward taken by like organizations in other towns.

The organization was reputedly composed of the most substantial citizens of the community. That night, March 24, 1871, it took possession of the armory of one of the local militia companies. Guarding the block in which the jail was situated, its sentries turned back all who approached. While the streets were thus held, twenty or thirty members went to the courthouse and wrenched open the door. The sheriff and deputy were surprised and disarmed, and the jail keys taken from them. Heffernan heard the tramping in the corridor, and told another man in the same cell: "They have come for me; I may as well bid you goodbye; this is my last night on earth." This other man started to walk out when the door was opened, thinking a clean sweep of the jail was to be made. "Go back, we don't want you," then spoken to him, he later said were the most comforting words he

ever heard. The captive was taken to the western part of the city, and stood on a plank over the mouth of an old shaft while the fatal noose was adjusted. Immediately he jumped into the air as high as he could, to end the affair as quickly as possible. The boom of a cannon told Virginia that the sentence of "601" had been carried out. Heffernan, or Perkins as he was more frequently called, was the nephew of Jack Powers, a notorious California bandit.

Once afterward the crashing shot of the little cannon notified the city that "601" had sped another hardened soul to its final accounting. One George Kirk, a recent release from the State penitentiary, had departed from Virginia by invitation of "601." In the July following Heffernan's execution Kirk unwisely returned, and that night he was taken and hanged, by way of conclusive notice to all concerned that the orders of the vigilantes were to be obeyed.

In all other cases, issuance of a "ticket of leave" signed by "601" sufficed to induce the recipient to efface himself from the locality, and to stay effaced. It does not appear that the organization felt called upon in any other instance to resort to extreme measures. That it was presumed to have a continuing existence is indicated by the passages in Dan de Quille's book "The Big Bonanza," written five years later and referring to it as a living body. This iron hand for the lawless had a marked impression, both in curing the "bad man" situation and in encouraging better administration of law.

There was also a slightly different class of "bad men," more accurately described as "gun men." They it was who held disputed mining property, acted as bodyguards for threatened officers, and the like; they were not swaggering around for chances to kill, but were known to be fearless and willing to fight out an issue to the grave's decision. Of this class, Morgan Courtney, principally of Pioche, but widely known, was a typical representative. Genteel in appearance, quiet, dignified, his employment by a mining company was equal to enrollment of a host of the ordinary riff-raff. When he arrived in Pioche from Salt Lake, the superintendent of one of the mines told the express agent that certain baggage was to come, the charges for which would be paid by the company. The baggage proved to consist of a small satchel, a silver-mounted revolver and a Henry rifle, each bearing the engraved name of Morgan Courtney. His presence was custom-

arily a sufficient argument, but on occasion he found it necessary to do some killing. It was usually proved that the unlucky victim was the aggressor, and Courtney's steel-gray eyes continued to command whatever situation might develop. The time came, however, when after an agreement with an opponent that each should "heel himself and come shootin'," the other fellow waited in ambush and took no chances, and Courtney's stormy career ended.

FACTS AND CURIOSITIES OF VIRGINIA

"Frame shanties pitched together as if by accident," wrote a Virginian of the appearance of the camp at the beginning of its rush. "Tents of canvas, of brush, of potato sacks and old shirts, with empty whisky barrels for chimneys; coyote holes in the hillsides forcibly seized by men; pits and shanties with smoke issuing from every crevice; piles of goods and rubbish on craggy points, in the hollows, on the rocks, on the snow—everywhere—scattered broadcast in pellmell confusion, as if the clouds had suddenly burst and rained down the dregs of all the flimsy, rickety, filthy little hovels and rubbish of merchandise that had ever undergone the process of evaporation from the earth since the days of Noah."

At this period, the miners were getting gold but there was no safe place of deposit. One Lyman James had been serving them as guardian of their wealth, but the rush of hard cases, with others, convinced James that his responsibility was dangerous; he reached the quite reasonable conclusion observed by a writer that "he did not care to run the risk of having his throat cut for gold not his own—in fact he did not want his throat cut at all."

Despite a cost of $300 per 1000 feet for lumber at the beginning of the city's growth, buildings of decent appearance soon began to replace the hovels. A drop in lumber price to $175 per 1000 feet occurred during the summer, and in October nearly one hundred buildings were under construction. Though material was so costly, wages were lower than in the year this is written. Masons were paid $8 per day, carpenters $6, others in proportion. At the end of the year a census taker found a population of 2244 in in Virginia, 600 in Gold Hill and 504 in Silver City. This was the first census of the camp which in 1878 contained about 40,000 people.

Early settlers found a sufficient supply of water in the few small streams and springs on the hillsides. The flows developed in tunnels were added to the quantity, by being reservoired and sparingly distributed, as the demand grew. It became so that any tunnel might be worth while, whether finding ore or not, for if it produced water it insured a revenue. Water was found in the

mines, but its mineral content made it unsatisfactory for use in steam boilers, as well as unsuitable for domestic purposes.

In 1863 a population of thousands had to get along with a total supply of only 56 1/2 inches of water. Forty-eight inches of that came from one tunnel. Mills and other large consumers paid $100 per inch monthly to the company which had bought up all rights, and which was distributing the flow, at first through wooden surface mains, afterward through iron pipes. Families were allowed a scanty supply, as a favor, at $1 per week. The company spent $100,000 for its rights and betterments, but at that did well enough, netting over $32,000 for its leanest six months of business.

It chanced that in 1867 a mining company, the Cole, tapped the seam from which came the water of the Santa Rita tunnel, up to that time the main reliance of the water company. Besides drawing that flow, the Cole company developed more, to a total of 135 inches. The water company sought to enjoin the Cole from taking the water, but lost the case, and to maintain its own service agreed to pay the mining company $40 per inch monthly. By then the population had so grown that the always scanty supply was wholly inadequate, and additions were made from the pumps of the mines. The resulting fluid was so obnoxious that Virginia was in a bad way indeed.

The Cole company decided to go into the water business on its own account, refused to renew the lease, and piped its water all over the city. Next came a pretty contest—the water company started a tunnel to tap the Cole; the latter vainly sought an injunction, then sunk a shaft to intersect the latest tunnel. The men driving the tunnel swerved around this shaft, tapped the water seam, and left the Cole dry. Again the Cole sought an injunction, and this time won on the ground that while its own work had been a mining undertaking purely, that of the water company was solely to take the water supply. So the lowest tunnel was bulkheaded up, and both companies were in the water business. But having the necessity peddled by two concerns instead of one did not increase the total supply for the fast growing city.

Not until 1872 was it decided to look to the Sierras for the required supply. Carrying out the purpose was no such simple matter as piping from an elevated reservoir to a distributing point. Between the intake and the summit above Virginia intervened

a valley over 1700 feet lower than the supply source. An inverted siphon solved the problem. A profile of the route, on a very large scale, was made, and every length of pipe was constructed for a particular situation. A year's time was used in shaping the 12,640 sheets of wrought iron, weighing 1,150,000 pounds; the lengths for the lowest locations were of five-sixteenths iron, to withstand a pressure of 800 pounds per square inch. The first length was laid June 11, 1873, and the millionth rivet was fastened and the last joint leaded July 25th. When water was turned in for testing, escape of air from the twenty-six valves for that purpose made a noise to which "the blowing of a whale was a mere whisper." One of the leaded joints leaked a tiny stream. Fragments of grit rebounding against the pipe soon wore a hole and permitted the escape of a fountain 200 feet high. Only three defective lengths of pipe and three defective sleeves were found. The completion of the line made the Virginians "as wild with joy as the Israelites when Moses smote the rock," declared the Enterprise. The system cost a million dollars. Two years later its 12-inch main was supplemented with another, of 10-inch diameter.

While getting a supply of water was the problem above ground, getting rid of a surplus in the depths distressed the mining companies. The Ophir company had sunk its shaft only 50 feet when it tapped an underground flow and had to install a pumping engine. Other mines found the same trouble, and several joined in running a tunnel for drainage at 200 feet depth. Pumps and buckets served in the beginning, but not for long. Miners soon learned the appearance of the clay water-bearing seams, and avoided them as much as possible. In 1863 such a seam was inadvertently tapped, and the resulting flow drove the men from the workings. Within 50 hours the stream filled a space 21 feet deep, 30 feet wide and 100 feet long. The next year the same mine, the Ophir, tapped another great water pocket which rose 160 feet above the shaft's bottom. The Belcher had to stop work at the 420 level, 100 feet above the bottom, in spite of pumps which were discharging over a million gallons every 24 hours. A tunnel company was organized to drain the mines at 800 feet depth, and had driven its tunnel 840 feet when a stock panic and resulting mining paralysis stopped it in 1864.

Installation of huge pumps, and in some cases drainage through tunnels, measurably solved the problem for some of the mines, but the most noted factor in draining the Comstock mines was

the Sutro tunnel. The financial struggles of Adolph Sutro, its creator, and details of the great undertaking, were so many and extensive that a readable book on the subject has been written. Sutro secured contracts, in 1865, with companies representing 95 per cent of the market value of all Comstock mines, they agreeing to pay $2 for each ton of ore taken out after the extension of the tunnel to specified points in their grounds. An act of Congress was secured to remove doubts of legality, and Sutro, pledging himself to sell $3,000,000 worth of his company's stock, was making good progress among eastern investors, when figuratively his house was tumbled down upon him by notice that the mining companies had canceled their agreements and subscriptions. Distrust of Sutro was alleged; but the records appear to show that the companies had concluded that they had passed the water-bearing belt and could handle the trouble with pumps at less expense than paying the agreed tribute. Sutro battled on, and when in 1871 he had secured subscriptions to the amount of $1,450,000 work on the tunnel was vigorously pushed. With the added advantage of air drills, and all the energy that Sutro could instill into the work, it was not until July 8, 1878, that the hole was broken through into the first mine in its course, the Savage.

The Savage company was the only one willing to live up to its original contract, though some of the others were pumping their drainage into the workings that poured into the Sutro tunnel. Fortunately for that enterprise, additional inflow of water got beyond control of some of the Shylock-principled companies, and they were willing to compromise. It was finally agreed that the mines should pay on ore they might take out $1 per ton for ore of not over $40 value, $2 per ton for that of greater value. Thereafter all interests worked harmoniously for success. The tunnel as projected was 20,489 feet long, to tap the nearest mine shaft 1663 feet below the surface. During the first year of complete use it drained 1,277,500,000 gallons from the mines. Its cost, up to the close of 1881, was somewhat over $2,000,000. Some of the Comstock mines reached depths of over 3,000 feet, in which case levels below the tunnel discharged into it through pumps.

One of the curiosities—and a highly important detail too—was the excessive temperatures of the deep mines. When Belcher reached 900 feet, men could work only a few moments at a time; sweat filled their shoes "until it ran over the tops," said one of the newspapers; this in 1866. Temperatures of 130 to 140 degrees

were reported at the 1850-foot level of the Bullion; air connection with a neighboring shaft reduced it to 100 degrees. In the Hale & Norcross, a temperature of 100 was reduced to 90 when blowers were put in. Blowers were installed generally. It was estimated in 1877 that the outflow of air from the workings was 300,000 cubic feet per minute, replaced by natural inflow and by the relatively small amount of 40,000 cubic feet sent down by blowers. Tons of ice were sent into the depths. Engineer Church, writing on "The Comstock Lode," stated that three gallons of water was a moderate allowance for one man during an eight-hour shift, and that 95 pounds of ice was the average daily consumption for every miner employed in the hottest workings of the Con. California and Virginia in 1878. Nor were conditions improved when water was struck at such depths. In the Savage, a spring with 157 degrees of heat was tapped. Large sections of the lode rock had a temperature of 134 degrees. If the heat had been dry, it would have been less oppressive, but it was often accompanied by clouds of vapor from the hot springs tapped.

That men would work when such conditions added to the natural perils of the business was evidence of hardihood above the average. In 1880, when 2,770 miners were employed, 770 of them were American, 816 Irish, 645 English, 101 Canadians, 41 from the Maritime Provinces, 83 Scotch, 34 Welsh, and the remaining 282 of all other nationalities combined.

The hugeness of the Comstock ore deposits, the great depths from which they were mined and other factors drew upon inventive genius for many improvements in methods and appliances, from which all mining regions large and small have profited. One of these was the system known as "square set" timbering, by which great underground cavities can be safely excavated. Uprights and cap timbers do well enough for supporting the roofs of narrow excavations, but when in the Ophir the body of ore reached a width of 65 feet, and the ground was crumbling in nature, something more effective than spliced uprights became necessary. The company was in a vast mass of riches, yet unable to mine them. It remained for a young mining engineer named Philip Deidesheimer to solve the problem. Without attempting a detailed description—a diagram of "square set" would explain it at a glance—suffice it to say that the adopted system is one of short upright and horizontal timbers which can be built to any

NTY FREE LIBRARY

desired heights. Usually the spaces between were filled with waste rock, giving additional solidity.

But before this timbering system was adopted, severe calamities proved a necessity for it. The Mexican mine caved from the surface to 225 feet depth on July 15, 1863. An acre of surface was opened as if a mighty blast has exploded in it, and the mine was, as the Territorial Enterprise remarked, "a lovely chaos"—a phrase reminding us that Mark Twain was then a reporter on that paper. The next year another great cave occurred, this time in the Empire, Imperial and Eclipse mines. "So great was the concussion of the atmosphere," said the Gold Hill News, "that fragments of rock were thrown more than 300 feet up the Imperial shaft, against the roof of the hoisting works, with such force that they were instantly powdered and filled the room with a cloud of dust."

It has been asserted that there has never been an accident in the Comstock mines through the use of square set timbering. But that does not mean that the timber endures forever—only that its life is sufficient for the prosecution of mining. Dan de Quille tells what ultimately happens in such mines. "The large square timbers are crushed down to half their original height, and are splintered and twisted; chambers originally square are squeezed into a diamond shape, and their roofs almost touch the floor in the center; solid piles of timber that have been packed into the ground as long as there was room for another stick are pressed into pancakes. . . . There is no danger of the sudden caving of any considerable area of ground, but eventually all the timber will be pressed into a pancake, and the place will be forever closed." In cabinets here and there may be found small sections of timber taken from mines and showing the pressure exerted by countless tons of earthy material between their place of use and the surface. Twelve-inch sections have been compressed to four-inch diameter, and are nearly as solid as so much iron.

As time went on, the removal of millions of tons of supporting ground from beneath brought unpleasant results. As early as 1879 the Virginia Enterprise commented on the settling of ground. "On south C street are places over the old underground works of the Savage and Gould & Curry mines where, owing to the instability of the earth, the buildings diverge astonishingly from the perpendicular. One shop, store or dwelling may be seen leaning strongly toward the north, while its next neighbor is keeled over

toward the south." The workings of the Chollar mine approached within 200 feet of the surface. An old couple having a small combined dwelling and store in the vicinity breakfasted as usual one morning, then left the premises for a few hours. Returning, they found that their house had dropped from sight, and was covered with the earth which had followed it. In 1903 the Chollar hoisting works dropped into the depths created by their own employment. A somewhat different case was that of a well told of in "The Big Bonanza." When its bottom dropped out, because of a tunnel which had run too close under it, the lady of the house reproached her husband; she "knew the men had not put the bottom in right."

The mines began to require large quantities of timber, in addition to the great drafts upon the forests for fuel for the huge steam engines. A statistician writing in 1876 said that 80,000,000 feet of timber were being used annually on the lode, and that in the same period 250,000 cords of wood were being burned. All this had to come from the Sierras; at first with aid of thousands of horses, later by rail. Neither agency fully met all requirements, and from the need came a simple device, first attributed to the Comstock but now found wherever the flow of water is to be directed—the V-flume. Made by nailing one board to the edge of another, at right angles, it has the advantage, over the box type of flume, of economy and of less liability to clog, as floating timbers, catching against its sides, tend to rise, slip and free themselves. The design was then deemed so novel that a patent was issued. More than 80 miles of such flumes of large size were constructed in Nevada for transporting wood and lumber to accessible points for loading. The largest of them was fifteen miles long, cost $250,000 to build, and had a carrying capacity of 500 cords of wood or 500,000 feet of lumber daily.

When Virginia had its big fire, as was the habit of mining camps, the event was on a scale corresponding to the rank of the place in the mining world. On October 26, 1875, a drunken carouse in a frame lodging house ended when an upset kerosene lamp set a conflagration that swept away 2000 buildings and caused a loss of over $10,000,000. The physical heart of the city was destroyed, but not its courage. Before the embers quit glowing plans were under way for rebuilding. A week later a tornado swept away what new frameworks had been erected, but that was merely a passing incident. Within a month the Con. Vir-

ginia and Ophir works were rebuilt, and in the two months following the fire the former company declared dividends amounting to $2,160,000. Before the new year the streets were again lined with buildings, often better than those they replaced.

This being a record of earlier days, rather than a full history, we pass over forty later years of Comstock happenings. The time came when a building costing $10,000 sold for $50, and when the camp, in general belief, had moved wholly into the past. But that the end had come was not altogether true. One of the greatest reduction plants on the continent began working ores there, and its owners were not without hope of finding yet untouched bonanzas. Still things are not what they used to be. In July, 1925, that great plant handled 38,000 tons of ore, from which the gross return was $176,000—a tidy sum, but a great contrast in value with the days of the boom. Since this paragraph was first written, the venture has been pronounced unprofitable, and it seems that the Comstock's sun has set.

CARELESS CLAIMANTS AND CORRUPT COURTS

Virginia, surpassing all others in greatness, also seemingly led all others in carelessness as to its records. It would appear that having locations recorded was merely a concession to conventionality without care as to their wording or afterward as to their safekeeping. One V. A. Houseworth, who combined blacksmithing with bartending, was recorder. His district book was put behind the bar, open to all comers. Dan de Quille wrote that "the boys were in the habit of taking it from behind the bar whenever they desired to consult it; and if they thought a location made by them was not advantageously bounded they altered the course of their lines and fixed the whole thing up in good shape, in accordance with the latest developments. When the book was not wanted for this use, those lounging about the saloon were in the habit of snatching it up and batting each other over the head with it." Eliot Lord's report on the Comstock contains similar statements.

Few of the notices set down by recorder Houseworth were precise enough in description to satisfy the ideas of an ordinary layman, let alone those of trained lawyers; nevertheless suits involving millions of dollars hinged on such records in after years. A few selected samples:

"That we the undersign claim Six claims Eighteen hundred feet on the Surposed Quartz vein of Penrods & Co commencing at G Norrow cross claim & running north to the Fields & companys claim" ("G Norrow cross" was probably meant for Norcross, a name familiar in Comstock history. As may be noted, the notices usually omitted all reference to district or legal jurisdiction.)

"That we the undersign claim Six hundred feet two claims commencing South line of Gould & Curry liying west of Curry & Co including Quartz & Surface two hundred square feet running up the hill from Curry claim."

"We the undersigned claim this spring and stream for mining purposes." The location might have been in Alaska, so far as the recorder's book showed.

"We the undersigned claim 2000 feet on this quartz lead, ledge, lode or vein, beginning at this stake and running north."

Overlooking the detail that the official record failed to give any information that would enable an investigator to find the stake, that marker might have been moved by friend or foe, as no doubt many were. One historic case depended on the location of a certain stump mentioned in the notice. After witnesses had testified that they could identify the stump, court adjourned until the next morning, when all concerned were to visit the place. When judge and jury went to take a look, the ground was bare as a floor. The stump had been dug out and every trace of its situation obliterated.

One of the big mining suits was the cause of the two following notices, covering substantially the same ground, being produced in court, each record showing erasures and tamperings, and the recording officer's signatures being evidently written by two different hands:

"That I the undersigned claim-claim one claim on this quartz Vain of 300 feet, commencing with the south end of Lee James & Co. and running south 300 feet to the line and one claim."

"That we the undersigned do claim 500 feet commencing at J. D. Winters claim running south Including surface and Quartz with all of it Dipps and angles sprs."

Such notices went well enough when the ground was not considered particularly valuable, but, as may be surmised, when "big money" got into the game no time was lost in getting skilled attorneys to find the flaws. Some record of the litigation is given in the reminiscences of William M. Stewart, who notes that when John Cradlebaugh, appointed District Judge by President Buchanan, opened his first term of court in a badly lighted room over a Genoa livery stable, in September, 1860, three or four hundred armed men were present to see that justice was done in the mining case that was called.

The second mining suit was between the Savage and Bowers companies, the former claiming under the first notice herein quoted and mentioning the "Surposed Quartz vein;" the Bowers reliance was on the second notice, for ground "liying west of Curry & Co."

Both companies worked the ground without a collision for a time, but in April, 1860, the Bowers people built a stone fort on it and put in a garrison, whereupon the Savage brought suit. As feeling ran high, it was agreed that a majority of the jury should decide. The verdict was 8 for Savage, 3 for Bowers. The news-

papers said the verdict was contrary to evidence, and subsequently one of the jurors made affidavit that his vote had been bought for $250 and a portion of the ground; nevertheless a new trial was refused.

The situation was further muddled by an order from the President removing Cradlebaugh from office, and appointing one Flenniken. The law being vague as to the authority for such removal, Cradlebaugh refused to vacate. On a case taken to the Supreme Court of Utah, which then had jurisdiction, it was decided that Cradlebaugh could not legally be removed, and Flenniken announced that he would acquiesce in the decision.

In the meantime, war had broken out over possession of ground claimed by the Rich, Lucy Ella and Saint Louis mines. The Rich company drove the Lucy Ellas off with shotguns, and this move was followed by an order from Judge Cradlebaugh by which the Sheriff took possession. After some weeks, and on Flenniken's arrival, the Riches built a fort on the premises in spite of the deputy Sheriff's protest, and told the Saint Louis people, who had entered into the controversy, to come and take it. When Flenniken accepted the Utah order and said he was through, the Saint Louis secured an order for the arrest of the trespassers and turned it over to Sheriff John L. Blackburn (afterwards murdered by Mayfield, a notorious tough) for service.

Stewart, attorney for the Rich, was awakened one morning to hear that Flenniken had repudiated his resignation. He knew that Blackburn would try to make the arrests directed by Cradlebaugh and that a battle would probably follow, for which his advice would be considered responsible. Stewart secured a deputy Sheriff's appointment, hunted up Flenniken and demanded his resignation forthwith. The demand being refused, Stewart collared him and led him to the telegraph office. Stewart dictated messages to several in authority, announcing the judge's resignation in unmistakable terms. "Now sign these!" commanded the future Senator, and the half dazed jurist obeyed. The messages were handed to the operator with orders to send them and then to keep away from the telegraph instruments for an hour or two. In an hour word came that the Rich garrison had surrendered. Flenniken was kept guarded until the prisoners were brought before Cradlebaugh. Then Stewart appeared and secured their release without penalty.

When the session of the District Court opened in 1862 every

claim of any value in the camp was in litigation, and the means relied on for success included everything imaginable. Testimony was manufactured as needed, and bought and sold "with scarcely a pretense of secrecy," wrote an investigator, who also wrote that "an important witness from a neighboring State would agree to come if allowed several thousand dollars for his valuable time and incidental expenses. Once on the ground, he would proceed to earn his wages by swearing positively to what he considered would best serve the interests of his employer—but if drilling was needed it was never lacking. There were instructors on the ground who could take a witness through a drift or crosscut and make him see clearly a seam of ore or a mass of barren rock along the same wall under the eye-opening influence of liquor and a per diem allowance. If twenty-eight witnesses testified in favor of the Union company, fifty-seven would and did appear for the Yellow Jacket company."

An ironical observer wrote in the Virginia City Territorial Enterprise to inquire "whether the following transactions would disqualify a gentleman from serving as a juror in future: 1—Throwing out of the courthouse window a paper on which was written, 'See me with $1000; I will then tell you to-morrow morning how the thing will go, and we can make money.' 2—Taking the wrapper from a cigar and having replaced it with a note on which my terms were written, leaving the cigar where my friend could get it. 3—Placing a note under the lining of my hat offering me '$5000 provided you go for me.' " It is said that each of these things actually happened. The practices were so notorious that the Attorney General in a funeral oration over a deceased Supreme Court Judge in 1867 said: "Chicanery won more suits than eloquence and learning, and bribery and corruption more than solid merit."

Such corruption aggravated the tendency toward physical conflicts. One company drove another from its shaft, and after pitching the windlass down the hole filled it to the top with stones and earth. Men cut into one mine from another and drove the rightful possessors to the surface. The Yellow Jacket employees cut a drift into the Gentry workings, built a fire and smoked out the Gentrys. The latter filled the shaft to a point above the drift and started new work, whereupon the Yellow Jackets repeated the maneuver. The Gentry forces then threw down quantities of material which made a dense smoke, and by barricading their

own shaft drove the smoke so as to rout their opponents. These schemes, with variations, were repeated in a number of cases.

One of the most noted of the suits brought was Ophir vs. Burning Moscow. To fortify its case the Ophir wanted "Old Virginny's" original location notice for some of the ground. "Virginny" admitted its existence, but refused to show it. He was filled with liquor—plied until pliable, so to speak—and stowed away in a tunnel, the door of which was then locked. In the cold gray light of the morning after, minus food and especially minus liquor, and with every promise of so remaining, he agreed to guide Ophir men to where the old notice had been planted in a crevice, and covered, years before. Nevertheless the Burning Moscow won.

In one of Stewart's cases the Sierra Nevada and American companies were on opposite sides. The Sierra Nevada president had sworn to the original allegations, but before the trial came off Stewart became satisfied that the officer was prepared to betray his company for a large bribe. When the officer was called to the stand, Stewart skillfully trapped him into contradicting his affidavit, and then administered such an excoriation that the jury was inflamed with passion. When considering the verdict, one man only was against Stewart's case. He was told that he would be hanged if he persisted, which convinced the stubborn juror that perhaps the others were right, and he would make it unanimous.

The most remarkable case of all, in its various angles, was the suit of the Chollar against the Potosi, involving the question of whether a locator could follow the "dips, spurs and angles" of his ledge wherever it might lead. That point is now definitely settled by the United States law which defines the lines of a claim as descending vertically from the surface; and the legal points then decided may be passed over.

The Potosi managers believed that one of the three District Judges, Mott, was biased in favor of the Chollar, and as Turner, Chief Justice, was also accounted a Chollar partisan, they resolved to change the make-up of the court by inducing Mott to resign and securing the appointment of James W. North, known to favor the Potosi. The change was made. The Virginia Enterprise afterbought for him. The price paid was $25,000. The payee was Gordon N. Mott. The person paying it was John H. Atchison, ward said: "We assert that Judge North's place on the bench was on behalf of the Potosi company. We believe there was some

flimsy pretext of railroad business which covered over the payment of the money to Mott, but it will not be pretended that the object of paying Mott was other than to get North on the bench." North was appointed on September 14, 1863, and opened court the same day.

A decision had been given for the Chollar in the first case, and now, on that mine entering ground claimed by the Potosi, the latter company brought suit. North decided for the Potosi, one of his rulings in that company's favor being that no affidavits should be admitted "to show locations which had once been litigated between the parties to this action, or to show the customs affecting such locations, or to show what was litigated in the former suit, or to determine whether the former suit is a bar."

The third judge, who would decide since North was for one company and Turner for the other, was P. B. Locke, whom an attorney pronounced the most ignorant individual who ever presided over a court. The case was argued before the three on April 28, 1864. During the day North left the court saying that he was too ill to sit. That night North, Locke and two others drove to Tahoe. The Chollar leaders at once followed, and secured the attendance of Locke at an extravagant banquet and general drunk from midnight on. They believed the judge had been "convinced" by their effective "reasoning"; but when he returned to Virginia and did not lodge where expected, and besides dined with Potosi sympathizers, their doubt grew. Another elaborate banquet was staged. But Potosi men also had a big celebration, and one of the Chollarites denounced Locke as a perjured scoundrel.

The next day North filed an opinion against the Chollar contentions, and Locke concurred. Still the Chollar company did not quit, and remained in close communion with Locke until he was persuaded to file a document reading thus:

"It is unnecessary to express any opinion as to the merits of this case. Both parties may be heard upon the trial as to what was adjudicated in the former trial"—a pro-Chollar decision.

Judge Turner, who had disagreed with the decision against the Chollar, also filed a document, in which he concurred with Locke's new view. It was then the Potosi's turn, and after its emissaries had worked with Locke for a week that vacillating individual filed a new order, directing the clerk of the court to strike from the files the addenda above quoted, and declaring it null and void.

Charges of corruption were openly made, and Stewart declared

that North had borrowed $15,000 from a large holder of Potosi stock. The newspapers and district meetings demanded that the judges resign. A public speaker declared that one of the causes of the mining depression then prevailing was distrust of the judiciary. The Enterprise published a petition signed by 3500 persons, nine-tenths of the county's voters, asking for the resignations. North surrendered first, resigning in August. Turner opened court as usual, but took advice and resigned. Locke still held on.

Stewart invited the members of the bar to attend an informal celebration, at which it was decided to remove Locke. A committee of able-bodied men was sent to invite Locke, who was to attend "without fail, though it was hoped there would be no occasion for unkindly measures." Locke came, apparently without objection. On being informed of the opinion of the meeting, he expressed his willingness, personally, to resign, but had "doubt whether his duty to his immediate constituents in the county would permit him to do so without first consulting them." He was assured that from personal knowledge, nothing would be more gratifying to those constituents than his resignation. Locke imploringly asked Stewart, who said nothing: "Mr. Stewart, what do you think I ought to do?" "Resign, and resign now!" was the reply, with a direction that pen and paper be brought. "Now sit down and write your resignation!" was the command, promptly obeyed.

Thereafter the courts of the State were on a different plane. It was estimated that the total cost of Comstock mine litigation was $10,000,000. Stewart himself received fees approximating $200,000 a year, besides large values in mining stocks. Twelve of the leading companies were plaintiffs or defendants, prior to 1867, in 245 suits, in the First District Court.

MILLIONAIRES AND STOCK EXCITEMENTS

Ask the average loyal Nevadan what the output of the Comstock Lode has been, and he will "guesstimate" it at "maybe a billion dollars." A Nevada State authority to whom the question was put replies that reports vary from $400,000,000 to $750,000,000, but he has no authentic information. Not until we go up to the United States Geological Survey is there found anything professing to be authentic; and from that source it is ascertained that the total of gold and silver that came from those mines was, up to 1922, about $383,000,000. Comparisons still leave Virginia as "queen of the mining camps," for its nearest rivals show $322,000,000 for Cripple Creek and $242,000,000 for the Black Hills region. This of course does not include States, such as California or Colorado, but is for the single camps and their immediate environs.

An extensive report on "Comstock Mines and Miners" was prepared for the Geological Survey by Eliot Lord in 1882. He then tabulated five estimates for the period ending June 30, 1880. All were authoritative; the highest of the five gave the total as $306,181,251.05; the lowest, $304,752,171.59; average of the five, $305,779,612.48.

Dry-looking figures, such statistics, but not altogether devoid of romance. Virginia has produced enough wealth to pay, nearly eight times over, the cost of all the nation's territorial acquisitions. Even though the larger part went for expenses—the net returns at the time of Lord's report were put at $118,000,000—the grand total was added to the world's stock of precious metals. And this came from an area barely four miles long by a mile wide—or, if nonproducing and unprofitable mines of the district be included, an area six miles by two.

The Con. (consolidated) Virginia was the star performer on the lode, yielding (up to 1880) $185,000,000, of which $85,000,000 went out in dividends. For forty months the mine turned out an average of $60,000 daily. The Crown Point and Belcher bonanzas totaled over $26,000,000. But when a dozen or so of the big ones have been named, the rest of the nearly 17,000 locations

made or remade, up to the time of the most complete statistics, had little part in the glory of "the greatest silver camp." "Greatest silver camp," as often termed, it may have been, but of its total production between 42 and 43 per cent was gold.

Lord's report contained statistics for 103 mining companies of which stocks were handled by the San Francisco stock exchange. Only six of them showed excess of dividends over assessments, this including one which paid dividends without ever having an assessment. Eight others paid dividends, though less than their assessments, and the rest levied assessments without ever returning money to stockholders. Is it any wonder that the business is termed a gamble?

The $3000 Ophir ore which made the first big flurry was soon exhausted, and lower values prevailed. Gould & Curry ore averaged $104.50 a ton in 1862, but four years later ran but $36.90 a ton. Though something of a slump had come, to reach its climax two or three years later, thousands of tons of ore were being handled by the mills in 1866; 66 plants, dropping 1271 stamps, worked an average of 57,112 tons of ore monthly. Underground work done up to that time was figured at 57 1/2 miles. Many working improvements had been devised, and the United States Commissioner stated that twenty men could accomplish as much in the Comstock mines as 100 could in those of Mexico.

John W. Mackey, a California miner, came to Virginia and began work as a day laborer. His ability led to his being made superintendent of the Caledonia mine. Through careful stock dealing he acquired a large interest in the Kentuck property. Another of the Comstock superintendents was James G. Fair, who had also profited from his knowledge of the developments.

The Hale & Norcross mine was one of the sensational properties of the camp. Its stock had risen from $1200 a share in January, 1868, to $7100 a share in February; but its record for that year did not justify the excitement. During 1868 it took out 16,536 tons of low grade ore, and declared no dividends. In March its stock had fallen to $2900, in September to $41.50. Fair and Mackey began buying up the stock, and by the time of the annual election they had control, and Fair was made superintendent. The output was tripled in 1869 and quadrupled in 1870, and $728,000 was paid in dividends.

Between the Ophir and Gould & Curry mines was a section of ground, 1310 feet, wholly unexplored. The owners set a price too

high to tempt buyers, and when they tried to sell more reasonably no bidders appeared. Then they spent some money, finding nothing but too much hot water, and the mine was in rather poor repute. Next the Virginia Consolidated company was organized to work that ground and after it had spent $160,000 without finding ore the value of the property fell to $18,500, according to the stock sales. Then Fair, Mackey and two others, Flood and O'Brien, decided that ground between two mines of such known richness was worth a gamble, and for not more than $50,000 they acquired the property and took possession in January, 1872. Fair took active charge; a shaft was sunk and a drift run from another mine. The drift followed a seam of ore which at times narrowed to a mere streak of clay. More than $200,000 had been spent, and the funds of the principal stockholders were badly depleted.

A story of the times is that Fair visited a drift one morning where a face of seemingly rich ore had been uncovered. After looking at it he observed to the trustworthy foreman that it was a pity such fine-looking ore was no good. "We'll quit this place and go where there is something. Pull the timbers; we can use them some other place." The timbers were pulled, and a cave soon closed the drift. Fair himself told geologist Lord that he became sick and had to leave the work to others for a month, during which time the miners turned the drift in another direction.

Be that as it may, during the period of Fair's inopportune illness the "big four" picked up Con. Virginia stock. On his return, the caved drift was reopened, and a seven-foot vein of rich ore tapped. This was in February, 1873. On March 1st the vein was 12 feet wide. A shaft greatly needed for ventilation was sunk, and did not reach the level of the drift until the following October. Within two weeks thereafter a chamber was cut in ore from 30 to 54 feet wide and 20 feet high, the ore assaying from $93 to $632 per ton. Says Lord, whose account is the most detailed: "The lid of that wonderful ore casket had been lifted off. No discovery which matches it has been made on this earth. The wonder grew as its depths were searched out foot by foot. The bonanza was cut at a point 1176 feet below the surface, and as the shaft went down it was pierced again at the 1200-foot level; still the same body of ore was found, but wider and longer than above. One hundred feet deeper, and the prying pick and shovel told the same story; yet another hundred feet, and the mass appeared to be still swelling. When finally the 1500-foot

level was reached and ore richer than any before had been disclosed, the fancy of the coolest brains ran wild." The body of rich ore reached a width of 320 feet; it extended out of the Con. Virginia lines and into California company ground; it was 400 feet in depth. To get the precious metals from this in the shortest possible time, the miners made one new record after another in sending ore to the surface. On the 10th of March, 1875, 461 tons of ore were hoisted through the Con. Virginia shaft; a year later, 908 tons were taken out in a day; and on November 26, 1877, the amount hoisted was 1034 tons.

As Virginia surpassed other camps in magnitude, so it did in the feverishness of its stock dealing. Few individuals are wholly without speculative tendencies. An opportunity to get rick quickly would be refused by few whom the reader may know; and immediate riches were considered certain by every dabbler in the shares of the Comstock. While those so inclined speculated over poker and faro tables, in games of heroic magnitude, they too bought stocks, as did the millionaire and the washerwoman, the miner and the merchant. How riches, and poverty as well, came to investors is indicated by the following figures reported in the transactions of the San Francisco stock exchange:

One share of each of the fifteen highest stocks listed would have cost $16,649 at their high points in 1868. At the low points in 1869, the same shares could have been had for $338.25. One stock which sold for $227 in 1868 was 25 cents in 1869.

Alpha, February 1868 $1570, September 1868 $33, September 1869 $62, September 1870 $3, January 1872 $240, April 1872 $14, December 1872 $100.

Bullion, June 1868 $350, September 1868 $8.

Crown Point, March 1868 $1450, May 1868 $40, February 1869 $11, November 1870 $2, December 1871 $470, May 1872 $1825, October 1872 $75.

Hale & Norcross, January 1868 $1200, February 1868 $7100, March 1868 $2900, September 1868 $41.50.

Ophir, April 1868 $280. June 1868 $12.50, April 1870 $2, January 1874 $315, May 1874 $8.25.

Belcher, November 1870 $3, June 1871 $365, December 1871 $450, January 1872 $6.25, April 1872 $1825.

Sierra Nevada, 75 cents in 1877, $2.90 in May 1878, $39 in December 1878.

Union, May 1877 $1.37 1/2, October 1878 $193.

Con. Virginia, 17 cents in 1871, $160 in 1872.

Gould & Curry jumped from 50 cents to $1000 in less than six months; Savage from $2 to $800 in a few months.

Taking the stock valuations of the mines, those on the lode were held at $93,000,000 November 22, 1874, and over $175,000,000 one month later. In January, 1875, the valuation was $262,669,940. In February, 1881, it was $6,905,580.

Is it any wonder that people of all classes plunged into the stock market?

BODIE, LAST OF THE OLD CAMPS

Bodie, last of the old-time mining camps—so has one of its biographers dubbed the gradually decaying city in the eastern California hills, more than 8,000 feet above sea level. It was the last big excitement of that period in which gun-play was the accepted fashion and punishment the exception, a score of years before the growth of Tonopah and Goldfield. Those, and other, latter-day mining centers came into prominence and productiveness, not altogether without exuberance and a certain wide-openness, yet dominated by statutory law.

The first discoveries at Bodie were made when Virginia City was yet in swaddling clothes, and a year before the first specimen was broken from Aurora's ledges; yet the peak of Virginia's production became a memory instead of a prediction, and Aurora rose, flourished and was all but ready for the grave, along with Pioche, White Pine, Tuscarora and other intervening "excitements," before Bodie was anything but a disappointment to the few hopeful souls who gave it attention. Many a Great Basin camp underwent discovery, rushes, population of fevered thousands, and partial or complete abandonment and decay, between the July day in 1859 when Waterman S., or more familiarly "Bill," Body made his first location (of placer ground, not ore in place) and the hectic years when "Who's this morning's man for breakfast?" was a common question in the camp named for him. It was as if the gods of chance had kept the place in reserve, to supply a fresh thrill when those others should have had their turns; to prove that the days of mining rushes had not ended with the Black Hills.

Its finder bore out the miners' superstition about the fate of discoverers. Within five months from the day of his find, Body, a Dutchman who had come from Poughkeepsie, New York, via the Tuolumne, California, mines, became exhausted while returning to his camp from Monoville one stormy night. His cabin mate, "Black" (more formally, E. S.) Taylor, carried the weakened man as long as he could, then wrapped him in a blanket and hastened on to their abode. When he returned, and though he

hunted throughout the night, he could not find among the mounds, fashioned by fast-falling snow on the hillside boulders, the one which covered his comrade. And there rested the discoverer until the sun of another spring melted away the chill mantle. Taylor's own fate, a year or two later, was even less merciful. Besieged in a lone cabin at Benton by hostile Piutes, he battled to such purpose that ten of his assailants were sent to the happy hunting ground, but in the end he was slain. Some one may have said over his skull, "Alas, poor Taylor," for it was alleged that so much of his remains was recovered and passed around in Mono camps as a grim souvenir of the period.

Two years after the first find other prospectors made locations, and took the step of organizing a district, as always whenever a handful of men gathered about new finds; this was on July 19, 1861. "Body" district it was in the record, in tribute to the pioneer who never guessed the wealth in the hills where his bones were to lie. How the spelling came to be changed, and improved, no known record shows, but when maps of the region were published in 1863 "Bodie" had become the usual and accepted form.

Nearly two years passed, after the district was organized, before outside mining capital began to seriously consider Bodie, notwithstanding the richness of Aurora, only twelve miles distant. F. K. Bechtel was one of the early locators, and being a man of some accomplishments, vision and acquaintance, he succeeded in organizing, in January, 1863, the Bodie Bluff Consolidated mining company, with Leland Stanford, railroad builder, capitalist, ex-Governor of California and future Senator, as its president. The $1,100,000 for which it was capitalized looked like small change when in the fall of that year the Empire company was organized, principally by New York people, with $10,000,000 capital (on paper) and permission to increase the stock to $50,000,000. This latter corporation took over five locations and made others, acquiring a total of 38,100 feet of ground, with mill sites, tunnel sites, and so on, in truly imperial amount. It employed Prof. Benjamin Silliman, one of the most noted geologists in the country, to examine its holdings, and was doubtless heartened by his assurance that the camp contained a mineral zone two and one-half miles long by three-fourths of a mile wide, and that it was one of the most valuable mining districts in the United States.

The Empire people bought a mill in Aurora, put up costly brick buildings a little distance from the later town, and operated

for more than a year. The system of working was that then used in Virginia City; but the ore handled, besides being of comparatively low grade, was different in nature from that of the Comstock, and the system employed was largely a failure. What the bullion production was remained a secret, but the facts that the enterprise closed down in 1867, and that a few years later the costly mill was sold to pay a delinquent tax bill of $450 is eloquent of disappointment. The buyer was O'Hara, of whom more later.

Among the visitors in 1870 was Professor Josiah D. Whitney, hardly less eminent in geology than Silliman. While the latter, condemned for the Empire failure, still maintained that his opinion was right, Whitney "defied any one to show any gold that had come from Bodie." He lived long enough to find that he had made a very bad guess indeed.

But the little camp grew slightly. Aurora furnished most of the population, and was the home of Bodie people for a number of years. Among the Aurorans who early visited the scene was L. H. Dearborn, the man whose strength in upholding a boulder in the Wide West tunnel at Aurora had prevented his becoming rich. His luck still held. With two others he located a claim called the Bunker Hill, and in due course they received $6,500 from its sale. Within twenty years, as the Standard mine, the same ground yielded $15,000,000. The original locators were not alone in being able to tell, afterward, of the days when they unknowingly possessed bonanza property. The first purchasers of the Bunker Hill were James Stark, an actor of note, and John W. Tucker. After putting up the best mill the period could furnish and making but a single run, they gave it up as a very bad venture, and sold their mill to the Aurora company. So far as the records show, the mine was practically abandoned, for it is next reported as belonging to Mooney, Walker, Essington and Lockburg, all poor men. They mined unprofitably. Mooney concluded that even the slight pay of public office was better for him than operating the Bunker Hill, quit the partnership and got himself elected to the State Legislature. Walker also quit to take the management of another mine, in which he lost his life by falling down the shaft. Essington and Lockburg stayed with the claim until they owed William O'Hara $950 borrowed money and board bill used in keeping them going in addition to the meager returns obtained from working their ore in an arrastra. O'Hara's name suggests Celtic origin, but the fact was that he was a colored man, a res-

taurant keeper when he was not taking advantage of the surer returns of being a mine watchman. If he thought he had traded well in taking the Bunker Hill in lieu of his coin and eating-house credit, he thought differently when he tried to get some return from his acquisition. He offered the mine to whoever would work it and agree to repay his $950 when they made it from the property, but no one wanted it on those terms or any other. In 1874 Essington and Lockburg drifted back to Bodie, broke as before, and when they struck O'Hara for help he made them the same offer. They took it, and managed to scratch out "grub money" until one morning they found that what they had considered the footwall of their ledge had caved off, disclosing a great mass of ore. They took $37,000 from that providentially revealed spot, and from then on the mine made mining history. In 1876 Dan and Seth Cook, of San Francisco, John Boyd and William Lent bought it, paying the owners $65,000 and giving promoter George Story 1000 shares of stock in the Standard company, then organized.

The first year the Standard more than repaid all the buyers had put in. But its relatively small early success created no sensation. Work went on in several claims in only an incidental and unhoping sort of way until in one single month the small Bodie mine and its small mill produced $600,000 in gold. The mine began to pay large dividends from working 30 tons of ore daily. Then the flame caught and ran through the mining regions of the West. Bodie's excitement began, and the few small buildings erected in 1876 and 1877 became the nucleus for a town of thousands.

There were other names, of both mines and men, prominent in Bodie's record, and worthy of a place in any chronicle professing to give a complete history of the mines; but we pass on to note other phases.

A few buildings of no consequence were put up in the late months of 1876 and spring of 1877. In 1876 a total of 11 votes were cast; the next year the population had grown to 150. The stampede began in 1878. A telegraph line was completed in May of that year, over which went, as the first message, "Bodie sends greeting and proclaims to the mining world that her gold mines are the most wonderful yet discovered." The mining world began to believe it from what it heard of the Bodie property. In Sep-

tember the number of buildings, such as they were, had grown to 110.

Came the winter of 1878-1879, one of the most severe on record. There had been little time to prepare for suitably housing the thousands who had by then arrived. The rush had of course brought many who had no employment, and little or no means. Even well filled purses could accomplish little in the stress of winter. Small, poorly put-together frame buildings were far too few for the demands. Deep snow in every direction limited transportation to sleighs, and supplies to unavoidable essentials. Hundreds had nothing to do but as a reviewer of the camp (Grant H. Smith, then a telegraph messenger, later attorney) said, "hang around the saloons and gamble and fight and get drunk and lie out in the snow and die. Hundreds died that winter from exposure and disease, and nearly as many lost their lives by violence. I recall a significant cartoon, showing a man trudging toward Bodie, bearing a tombstone on his back, inscribed somewhat as follows: 'John Miner, born Auburn, New York, 1850. Died, Bodie, California, ———, 1879.'"

The years 1879 and 1880 were the big ones of Bodie's career. Eight thousand people, conservatively, possibly 10,000 as claimed, made it their habitat. Milling methods were better understood, and Bodie gold was plentiful. The underground bonanzas were considered inexhaustible, and thousands of dollars were permitted to be taken as specimens by visitors in the mines.

As if the then almost deserted substantial buildings of Aurora were a warning, Bodie was a town of shacks, for the most part. False-fronted one-story frame buildings lined the streets, and in due course furnished fuel for sweeping conflagrations.

While the camp's enthusiasm was at its height, in November, 1879, contributions were taken for a monument to the discoverer. His remains were exhumed and reinterred, with elaborate ceremony and an eloquent address. The monument was ordered and paid for, but remained unplaced until President Garfield died from his wound. Well might Body's spirit reflect on the forgetfulness of the people; for not only did two years pass without the monument being put above his resting place, but when finally set up it was in memory of the martyred President.

The county, Mono, was badly in need of a new courthouse, its county business being transacted in a frame building hardly worthy of its original purpose as a pioneer wayside inn. The big

mining companies met the need, by invitation; for the county levied a building tax of 6 1/2 per cent, and the bulk of the resulting revenue came from the companies.

The camp had its incidents of horror, among them the fire in the Goodshaw mine, in which the utmost heroism was shown by the men on the surface, but without saving the four poor fellows hundreds of feet below. It was a tale of an engineer drunk at his post. Then there was the destruction of four lives and the Summit mine works, in July, 1879, by the explosion of more than two tons of the most powerful powder then used. There was no surviving near-by witness; but it was believed that the tragedy occurred from a miner dropping a box of giant caps when an associate playfully tried to shut the powder magazine door while he was inside.

A phrase long current in the West was "bad man from Bodie." It rightly described a class of scoundrels, gamblers, killers, pretty much like those of Virginia, but less eminent in achievements. They seldom went out of their own class in their gun and knife work, and were not seriously impeded by the law. As in Virginia, the better element disturbed itself little over strife between would-be chiefs. The sole instance of lynch law in Bodie took little account of the "bad man" class. It visited punishment on a man not reputedly of that type, but thereafter the "chiefs" were somewhat less assertive.

Many a killing had been perpetrated and ignored when on New Year's eve, 1879, DeRoche, Frenchman, murdered Treloar, Cornishman, because Treloar objected to DeRoche dancing with Mrs. Treloar. The Frenchman waited outside and shot down the objector. He was arrested and taken to an officer's room. During the night DeRoche took the officer's keys and his own departure. Citizens caught him several miles from Bodie. Some of the captors favored hanging him forthwith, some wanted to take him to the county jail, others wanted to take him to Bodie—possibly with a view to what afterward happened. By a plurality of one he was voted back to Bodie.

When DeRoche had been locked in the little jail at Bodie, the roughs banded together in a "law and order" party—a phrase which appears, in such emergencies, to have been used almost solely by those whose occupation had been complete disregard of law. With them met some attorneys whose services had been important in freeing criminals. One such lawyer, formerly Attor-

ney General of Nevada, appeared before the "601" in session, and offered strenuous objection to the lynching which was imminent. "Get a rope and we'll hang you," shouted a 601, and the sentiment seemed to be so popular that the former State officer left Bodie as rapidly as horseflesh could carry him, and never went back.

The vigilantes went to the condemned man's cell, where DeRoche arose and pulled on his boots without a word. A big wagon crane was lifted from its foundations and taken to the spot where Treloar's blood still stained the snow, and the grim work was carried out.

Thereafter a notice signed by the vigilantes sufficed to rid the community of undesirables, when the lax code deemed such a step necessary. No further executions of the kind occurred.

Pat Reddy, noted and skillful lawyer, claimed to have a list of the "601," which in fact included most of the leading men of Bodie. In a murder trial at Bridgeport, the county seat, Reddy asked a talesman if he would object to having a list of the 601 read. "Certainly not, Mr. Reddy," was the answer, "my name is after number 27; and if you have a copy of the minutes of the organization you will read where Pat Reddy was one considered as being dangerous to the community and who was to receive a traveling invitation if his mode of life did not change." The proposed notice was not based on Reddy's personal conduct as a citizen, but on his being the legal bulwark of many hardened criminals. It was said that in the instance mentioned he made no objection to the juryman challenged, nor then or ever thereafter any reference to the 601.

An investigation was made into the death of DeRoche, with the man who adjusted the fatal noose and the head of the 601 both on the jury. The Justice of the Peace on whose docket the murder charge against DeRoche was noted closed the case with the laconic entry; "Case dismissed, as the defendant was taken out and hanged by a mob."

Bodie had its mining wars, the outstanding one of which was the dispute between the Owyhee and Jupiter managements and their hired gunmen in August 1879. Accounts make the Jupiter forces the offenders, they coveting the Owyhee ground adjoining. The Owyhee fortified a dugout on its ground, while the Jupiter hoisting works were barricaded and made into a portholed fort. There was desultory shooting for a day or two, until one morning

George Daly, Jupiter superintendent, directed his men to charge the Owyhee fort. While some of the attackers dared the dugout's fire, others gained a position above it and by shooting through its roof killed a man inside. The battle was inconclusive, beyond the holding of the place by the Owyhees up to the time the Miners' Union, several hundred strong, armed with guns and pick-handles, marched up and took possession of the disputed ground. A brother-in-law of Daly's was shot through the heart during the charge of his forces; his body was immediately taken to his lodging house room. A sympathetic doctor was called in, who reported that the man was suffering with pneumonia, and later that he had died from that disease. It was said that Daly had this done to do away with evidence that his party had any part in the killing of the man in the dugout. Daly and five of his men were arrested for the killing.

The general opinion being that it was a barefaced attempt by Daly to "jump" ground to which he had no right, public sympathy was with the Owyhee. Daly was permitted to give bonds, and hastened to Virginia, where Pat Reddy happened to be, and retained that lawyer. In the meantime the 601 congregated, backed by the Miners' Union. Having small faith in any conviction for the killing of Goff, in the dugout, it was decided to give Daly and his men 24 hours in which to straighten up their affairs and leave. All save Daly were missing within an hour. Daly went about town as usual, though aware that more than one finger itched to pull a trigger that would end his adventurous career, and possibly knowing of current talk of lynching him. An hour before his time was up, Daly made certain very personal remarks to individuals with whom he came in contact, and immediately thereafter got into a buggy and left with the horses on a dead run; otherwise he might not have left at all. Foolhardily brave, he afterward brought about his own death and that of all of the troopers in a small command during the Geronimo troubles in Arizona. He was guiding the soldiers through a dangerous defile; the commanding lieutenant showed a disposition to be cautious about going ahead, but spurred by Daly's taunts followed the guide into an Apache ambush from which few or none escaped.

Bodie has not joined the ranks of the wholly dead, for there are those who believe that under its slopes lie other treasures waiting for the miner. It is but a melancholy wreck of its former days; some buildings have been kept in good order against

the day of revival, others leaning crazily as if seeking support from a neighbor. Perhaps the dream of its "coming back" may be prophetic; perhaps not. Quien sabe?

KNIGHTS OF THE ROAD

By the time the western mining camps had become great producers, Wells, Fargo & Company—commonly referred to as "Wells-Fargo"—had achieved monopoly of express business west of the Rockies. Where there was promise of revenue, into every settlement that attained any growth, Wells-Fargo went. It supplied a sureness of service lacking in the mails, for besides handling a class of business not possible for the postoffices, the company's guarantee against loss was absolute.

Such modern notions as regulation of rates were, if thought of at all, merely some one's dream. The company was free to charge "all the traffic would bear," and customarily did so. It had to meet not only expensive transportation but also heavy losses from thievery, and rates were shaped accordingly. Under such circumstances, the company stood as a dependable, necessary evil, without any excessive popularity. Looser dispositioned citizens were indifferent to the looting of its treasure boxes, and even those of better general honesty often considered its losses as little else than division of spoils for which others had already been "held up." The company naturally took a different view, and was by no means a cheerful loser. It pursued offenders relentlessly, and any failure on its part to cause prosecution after a robbery was attributable to inability of a corps of skilled detectives to fix the crime on suspected individuals. The moral aspect of the matter was of small importance; self-protection was the motive. In more than one instance where legal proof of guilt was not available, or where the accused had too many friends on the jury, suspects were put on the company payroll with duties no more arduous than that of reporting at such times and places as to curb their stage-robbing propensities. They were under surveillance, as they knew, to prevent exercise of their peculiar talents.

There was little of check-writing; business was done with hard coin. Treasure shipments were of course gold and silver, and money sent to the mines for payrolls came in cash. Every iron-bound and padlocked express box in or out of a live camp was reasonably sure to carry a burden of wealth, and passengers usu-

ally had money with them. Add long and lonely roads, and conditions were favorable for the stage-robbing craft—lightly referred to as "road agents."

Some glamor of romance is wafted to us in the tales of highwaymen who in the woods and lanes of "merrie England" invited ribboned and ruffled (in more ways than one) gentry to "stand and deliver." A certain picturesqueness (largely due to distance and safety from their attentions) is thrown around the banditti of Italy and the "Don Q's" of Spain, despite their reprehensible habit of returning a captive in installments, an ear or a finger at a time, in case ransom was not produced with sufficient celerity. But neither romance nor picturesqueness can be claimed for the scamps who levied on travelers and treasure on the roads between the Mississippi and the Pacific, and from Montana to Mexico, and in whose profane and direct speech "Stand and deliver" became "Throw out the box!"

In general they were a lot with a certain desperateness in their composition, for the most part ready to "shoot it out" if their authority happened to be disputed. Some lived Jekyll-and-Hyde lives, posing as respectable members of society when not out on collection trips. Some were gamblers between times; some professed to be honest miners, though few, once they had plunged into crime, ever indulged in real labor, unless it happened to be under a warden's supervision during periods of enforced retirement from their profession. There were some who "played lone hands;" others worked in gangs, or in couples; and last but not least, there were cases in which men chosen as peace officers were in league with or actual heads of robber gangs.

Few of the road agents attained special fame. Extinction and not distinction cut short many of their careers, and many proved to be the kind of fish that could not find, in the law's nets, the holes through which murderers escaped. "Black Bart the Po8" won a coast reputation, no more from the fact that he committed his twenty-eighth robbery before reaching his finish than from his practice of leaving a few lines of doggerel at the scenes of his exploits. A sample of Bart's "po8ry" left with one of the first express boxes he rifled ran thus:

"Now I lay me down to sleep
To wait the coming morrow;
Perhaps success, perhaps defeat

And everlasting sorrow.
Yet come what will, I'll try it on—
My condition can't be worse;
And if there's money in that box
'Tis money in my purse."

Not all of Bart's literary efforts were on quite so decent a plane; but whether suitable for mixed audiences or otherwise, somewhere about the wreckage of the box he looted was a rhyme, signed by "Black Bart the Po8." During the progress of his final robbery he accidentally cut his hand, and to staunch its bleeding wrapped it in a handkerchief which he lost before leaving the place. Detectives who picked it up observed a laundry mark, which helped them to locate Bart in San Francisco, where he posed as a mining man. All of which led to the undoing of C. E. Boles, alias Black Bart, after he had escaped suspicion or at least capture for at least eight years.

Jack Morris was one who robbed and rode away so successfully that Wells, Fargo & Co. bargained with him to be at a certain express office on the departure of each stage, and to remain there long enough to insure against overtaking it. For this interference with his vocation he received $200 monthly recompense. Many robbers remained in possession of life and liberty compared with the few who either landed in the penitentiary or were cured of dishonesty by treatment administered by "shotgun messengers" who accompanied the stages.

It was not uncommon for confederates to be stationed where information about treasure shipments was to be had. In one case it was noted that when a stable boy gave his lantern a certain swing after starting out a night stage, something happened to that stage soon thereafter. Sometimes a vehicle would be marked in some way to show that it was worth robbing. One line in Nevada was robbed so often, with the same driver (a brother of Hank Monk) and the same express messenger making the trip, that the company discharged both on suspicion. The robber was finally arrested—and here another relationship developed, for he was an uncle of the famed singer Emma Nevada. The company officers felt that their action in discharging the suspects received justification when the highwayman testified, on his trial, that he

was not armed, but had stopped the stage by merely presenting a fence picket held gunwise.

When the express company took to putting on two guards, usually one in front and one at the rear of the stage, it was a discouraging circumstance. Most of the messengers justified the trust reposed in them. No stage on which Eugene Blair rode was ever robbed, though he had several battles and several wounds. It was said that after each such encounter he received a new gun or some such gift from the company, gratifying him greatly; it was further observed that the acknowledgment did not take the form of increased salary for his hazardous occupation. Mike Tovey was another who was beside the driver in many a skirmish and victor in all until he was slain by a rifle shot fired at long range by a disappointed robber.

In one instance, Tovey and Woodruff, another messenger, were on their way out from Bodie with the stage. The incoming express, earlier in the day, had been robbed. Nearing the scene of this levy, Tovey got out and was walking ahead when the robbers opened fire. Tovey went back to the stage and got his shotgun. Seeing a man approaching in the feeble rays of the vehicle's lamp, Tovey shot and killed him, while the other robber, at another location, fired at the messenger, wounded him in the arm, and killed a horse. This second man came up, but ran into the brush when Tovey shot at him. The wounded messenger went, with the others, to a house near by to have his wound cared for. In their absence, thief number two returned, opened the express box and decamped with the $1000 he found in it.

Some ranchers came along and finding the dead thief took his body with them as far as the station at Wellington, where they buried it. Aaron Y. Ross, an investigator sent by the company, later declared that they took $1300 from the clothing, by way of fees no doubt. Ross made it his business to inquire into the conduct of Woodruff, the second messenger, who claimed that he had fired at the robber before going to help Tovey patch the leak in his epidermis, but that the gun he had was crooked and useless. Ross had the gun tested, and reported that it was the man and not the gun that was crooked.

Having lost the treasure, the stage horse and the live robber, Ross concluded to go after the dead man for clues. The ranchers who had buried him refused to allow the body to be exhumed, but after some controversy Ross carried his point and dug it up.

He found, in a buckskin vest next to the flesh, San Francisco bank books of both men, establishing that the slain one was Frank Jones and the live escape was Sharp, a notorious scourge of those roads. With Jones was his black leather mask; and when officers examined the San Francisco room indicated on the bank book they found bits of the same leather there.

Sharp, a man of about 34, was taken in his city room without trouble, and brought to Aurora, county seat of the county in which the crime had been committed. Being a person of some notoriety, he was well treated, and proved to be a companionable good fellow. He liked children, and spent many hours in whittling out toys which he sent out to them, using for the purpose a small pocket knife which he had been allowed to retain. The Sheriff felt that his confidence had been abused when one morning he found one less prisoner and one large hole where Sharp had dug out bricks and made his escape. Ross again took his trail, and caught him in southern California. This time the Sheriff took no chances, for he had a heavy staple set into the cell floor and fastened one end of a chain to it and the other end to Mr. Sharp. Sharp stayed there until he was taken to Carson to serve a sentence. By good conduct he became a trusty. One day he was sent to Carson on an errand, and disappeared. He worked for nine months on a ranch within fifty miles, then went to Redding, California, where a former fellow convict betrayed him. Sharp was taken back to Carson, served three years and was then pardoned through the intercession of the express company. He offered to return the thousand dollars he had stolen, but was allowed to keep it.

Virginia City offered strong attractions for the thieving class. Its large population included an underworld in which loot could be scattered in such enjoyment as the criminals fancied. Its stages, going and coming, were among the richest in their loads of treasure and people.

In one instance, a gang of seven men robbed two stages at a passing point a few miles from Virginia. After their plundering, the successful bandits put on an impromptu celebration, suggested by the finding of cases of champagne in one of the vehicles. Rugs were taken from the coaches and used to make the unwilling guests comfortable, notwithstanding the shortness of the invitation, and champagne was liberally dispensed. The robbers were masked,

but their identity was undoubted; nevertheless no conviction followed their arrest.

One of the principals in this affair was one A. J., or Jack Davis, a party having the appearance of a dignified minister or professional man. He was wont to play poker with the mining magnates, judges and other dignitaries of Virginia on social and equal terms, and was generally accounted a "good fellow." He, with Tilton Cockerill, an ex-lieutenant of the army, John Squiers and a few others had a small quartz mill at a place called Flowery, a short distance out of Virginia.

Those who knew of the men having no producing mine were mystified by their milling success, until it was found that the mill's sole use was in working over bullion looted wherever possible. Each legitimate mill stamped its own mark on every bullion bar turned out, so these men had to get rid of such marks, which would necessitate ingenious if not awkward explanations when the bar was offered for sale. This difficulty was met by recasting the bullion and putting on their own stamp.

A stage-robbing venture they undertook yielded $5700 in coin. They then reasoned, we may assume, that getting money that way was easier than toiling with bullion; at any rate the gang committed four more robberies within a short time.

The Central Pacific road had been completed to Reno just before that, and the Virginia & Truckee railroad was almost ready to connect the bonanza camp with the outside world. The field of stage-robbing opportunity was being considerably restricted, while the precautions of Wells-Fargo against depredations threatened to completely wreck the business in that vicinity. Davis and his pals faced the possibility of having to make a living by honest means, when the leader conceived the plan of robbing a train. Though the Reno brothers and others had some little success in that line in Indiana and Missouri, nothing of the kind had ever been done on the Coast.

Recruits were admitted to the company, and Davis called conferences which were held in the Peavine mountains a few miles from Reno, and at the wayside house of J. C. Roberts, across the California line. The scheme as a whole was rather extensive, including not only the robbery of the train but also the later looting of the Bank of California branch in Virginia. It was first proposed to blow the locomotive from the track with a cannon, no such job with the engines of that period as it would be with

the giants of the present. The cannon plan was not seriously entertained, however, and the one finally adopted set a fashion followed in many such affairs since.

The railroad paymaster was to make his periodical trip on October 15, 1870, and the considerable amount of money he would have argued for the selection of that train. It was at first so agreed; but on second thought the gang decided to wait for a shipment of coin for meeting the mine payrolls. To learn the right date and train, a farmer named Chapman, aged 25, was sent to San Francisco to ascertain these facts. He lingered at the Bay for two weeks, before ascertaining that the payroll for the Yellow Jacket would be dispatched on November 4th. He wired to Sol Jones, in Reno;

"Send me sixty dollars to-day if possible.

Joseph Enrique."

This was the agreed signal. "Sixty" meant that six men would be in charge of the train, and "to-day" told the time of shipment. Chapman started for Nevada on the same train.

The train pulled out of Verdi, a small lumber-mill station eleven miles west of Reno, about midnight November 4, 1870. As it got under way several men wearing linen dusters and black masks boarded it. Under persuasive revolvers the engineer and fireman surrendered at once. One man got on the front platform of the express car, and two who mounted its rear platform drove conductor Mitchell and a brakeman into a passenger coach. Half a mile from Verdi the engineer was ordered to whistle for brakes; he demurred but was speedily persuaded. At the whistle, brakemen yet at liberty, and unaware of what was going on, set the hand brakes back of the express car, while the bandits uncoupled those rear cars. The engineer was then ordered to go ahead, which he did to a point called Hunter's, five miles west of Reno. There the waiting part of the gang had a barricade across the track, to prevent the train running by in case earlier details had miscarried.

Meantime, conductor Mitchell, having seen his train cut in two, allowed his remaining cars to drop down the grade slowly, and reached the head section after the whole affair was over. There express messenger Menshill had opened his door to see what was going on, and found himself contemplating the muzzle of a shotgun, which he later said looked like a pair of stovepipes. To keep the trainmen under surveillance without division of forces, the en-

gineer and firemen were herded into the car with Menshill, and the three obeyed an order to sit down and be quiet. The robbers, in lugging out sacks of gold coin, broke some, and allowed the money to remain on the floor where it fell. Sacks containing about $9,000 in silver were pronounced too bulky to bother with. Having accomplished their purpose, the robbers fled into the night with their plunder amounting to $41,600.

By the time Mitchell and his headless train trundled down, the others of the crew were taking the obstructions from the track. The train was connected and went on into Reno, only half an hour late. Telegraph wires had been cut in two places, and it was morning before messages could be sent. The news got to Washoe City, then the county seat, by way of Virginia.

Wells, Fargo & Company immediately offered $10,000 reward for the arrest of the robbers, and additions to the offer were made by the railroad, the State of Nevada and Washoe county until the total was $30,000.

After losing a day following valueless clues, Undersheriff Kinkead, of Washoe, found at the robbery scene footprints made by the small bootheels then affected by those who sought the most fashionable thing in dress. He hunted for a mile before again finding the print, for the robbers had walked on the ties for that distance. This track and others with it were followed several miles to a country hotel, where it was learned that three strangers had lodged. Two of the men had left early, but the third was still at the hotel when a party of hunters arrived. Believing them to be officers, the man had fled to a barn. He was arrested there, and found to be James Gilchrist, a Virginia miner who in this affair was making his debut as a criminal.

Descriptions of the men included the detail that one of them wore "gambler's boots." This confirmed Kinkead's belief that he was on the right scent. It was then 10 o'clock at night, and snow was falling. Kinkead tried to get a guide at the hotel, but no one there had lost any robbers. A boy finally agreed to go part way and put him on the road to Loyalton, with the understanding that if they came up with the robbers the officer was to fight it out alone. They reached Loyalton about midnight.

Though the landlord of the hotel denied having any guest answering the description given, he admitted the arrival of a stranger that day. "He's in room 14; here's a candle," was the assistance offered. The house, just built, was unpainted, and

damp weather had swelled the lumber until the door of room 14 could not be closed. Kinkead, moving cautiously, found that the occupant had braced it with a chair. He carefully moved the chair, and his first glance showed the small-heeled boots on the floor. The man was sleeping soundly, and so remained while Kinkead took a pistol from under his pillow and went through his clothing for evidence. On being roused, the man bounded from bed like a wild animal and rushed to where he had left his pistol. Kinkead covered him with a Henry rifle, and commanded him to dress. He was marched to a saloon, and identified as E. B. Parsons, a Virginia gambler.

Having two suspects under guard, Kinkead went on through the night and storm to Sierraville, where he expected to find John Squiers, suspect, at the home of his brother, a reputable citizen. Anticipating trouble, he finished the remaining night hours as best he could, in a thicket of willows near the Squiers home. When a man came out to attend to the morning milking Kinkead slipped into the house. After trying four rooms, he found his man, whom he knew, in the fifth. Again the quarry was found asleep, and was disarmed before being awakened, then driven out of doors, where he dressed. While this was happening, the man who was milking appeared, and Squiers yelled that he was being robbed. The good repute of the captive's brother, together with the fact that a Nevada officer had no legal right to make an arrest in California, threatened trouble. A team was hitched up by the officer's order, and Squiers was rushed to it and taken to Truckee jail with Parsons. Gilchrist had already been incarcerated, apart from the others, and under "sweating" he told the whole story, and gave all names connected with it. Telegrams to Virginia brought about the arrests of Davis, Cockerill, Jones and Roberts.

Chapman had gone into California, but on November 9th he came to Reno on the same train with one of the men who were hunting for him. He went from a train into a saloon, pulled off his overcoat, and sat down by the fire. A short time later, an officer with two of the captives in charge came in. One of the prisoners said; "Why, Chapman, what brought you here?" He was promptly taken into custody. The last man of the gang was under arrest within five days after the crime, through the perseverance of officer Kinkead. Two others, one of whom had "done time" for counterfeiting, were arrested, but proved not guilty.

Leader Davis found he had made a mistake in enlarging his

gang, for Roberts and Gilchrist both earned their freedom by testifying for the State. The robbers were put on trial in Washoe City on December 12th. Names of note in Coast legal circles appear in the roster of attorneys at the hearing—Thomas H. Williams for Wells-Fargo, Attorney General Clarke for the State, "Jim" Coffroth for the railroad, W. H. Boardman for the county. W. W. Webster represented all defendants except Chapman, for whom Thos. H. Hayden claimed that his client had not sent the San Francisco message. The telegraph operator produced the original and swore to Chapman's being the sender. Hayden also argued that in any case Chapman would not be punishable as a conspirator, but the jury and court thought differently. Jones pleaded guilty, and Davis appears to have told the story also. Davis, Parsons, Squiers, Cockerill and Chapman were convicted.

Hoping for leniency, the culprits revealed the hiding places of their booty. Two of them each had $300 in gold on their persons when arrested. Gilchrist told where he had buried $11,600, and about $750 more than that amount was found in the same place. Jones showed where he and Cockerill had hidden $7,545, and Davis took officers to a place not far from the scene of the robbery and dug up $20,000.

Jones got a five-year sentence, and was pardoned after serving three. Davis, singularly, in view of his leadership, received the next lightest penalty, ten years. He was pardoned in 1875—unappreciated clemency, for then using the name of Carlow he was filled full of buckshot from messenger Eugene Blair's gun in an attempted stage robbery two years later.

Parsons, aged 29, drew a 20-year sentence, and was one of the escapes in the Carson prison break. Caught within eleven days, he was turned over to the county authorities for trial for prison breaking, but escaped from the county jail and remained free until November, 1876, when he went back into the penitentiary. A kind prison board pardoned him five years later.

Squiers and Cockerill, each with a 24 year 6 months sentence, and Chapman, 18 year sentence, each had an additional year given them for the prison break, but none of them served half of their sentences before being pardoned.

This train robbery excited the admiration of the underworld, as a matter of course, and for the moment was a sensational item from coast to coast. The prompt apprehension of the criminals doubtless had much to do with preventing an epidemic of such

affairs. But the business of stage robbing, on routes away from railroads, was not set back any by this more ambitious attempt. As late as 1877, when conditions should have been approaching a more settled state, we find one of the newspapers commenting thus:

"The fact that scarce a day passes but what in some portion of the State there occurs a highway robbery, frequently accompanied with real or attempted murder, is at last beginning to excite some alarm. Notwithstanding the rewards offered for their apprehension, not one in twenty of the perpetrators is ever detected or punished."

THE BANDITS OF CALIFORNIA

Organized banditry, flourishing in Mexico, found a still better field in the thinly settled and somewhat less than half-governed California of pre-American days. The names of Andreas Armijo and Tomas Maria Carrillo come down to us as leaders of cattle-rustling and horse-stealing gangs before the finding of gold. They were such freebooters as have appeared in most wild new countries, and of no special consequence in a historical record. But the American occupation, introducing new factors and new motives, developed a different class of marauders, the result of conditions which will never be repeated.

Seemingly authentic estimates are that at the beginning of 1848 the Spanish-speaking population of California totaled but 7,000. Living among them were 6,000 English and Americans. Mexican laws governed, so far as there was government, and Mexican customs prevailed. The coming of nearly a hundred thousand immigrants in 1849, augmented by other thousands each succeeding month, speedily upset the old order of things, and the whole political and social structure was revolutionized in a season. With the end of the Mexican war California became an American possession, and the gold rush soon made this nominal control very real. What had been mere ranchos, headquarters for such management as had been given to estates measured by leagues rather than acres, became sites of towns and cities. The Yerba Buena of 800 in 1847 grew into the San Francisco of 40,000 in 1850. Where Sutter had looked, from his fort, across plains of grass and tules, Sacramento acquired a population of 7,000 within two years. Through the northern part of the State, more particularly, the Americans became overwhelmingly predominant, and the descendants of the dons took, for the most part, to the more southerly central and coast regions.

Gone were the easy-going days when the dance and the wine-cask, the horse-race and the chicken-pulling received more attention than intelligent agriculture. There were new uses for the plains and rolling hills other than as pastures for wild cattle, slaughtered for hides and tallow, their carcasses left for the buz-

zards. Idyllic conditions no longer held sway, and the indolent among the old-time residents found that they also must change. A few occasional days of toil at cattle round-ups no longer sufficed to provide a living, and many who had so existed were ready to turn to banditry as an easy alternative.

The war just over had left its bitterness, and this was strongly felt by the Mexican-Californians as they became vaguely aware of the richness of the domain they had lost. Among the invading hosts of the conquering race were plenty of braggart cowards who exercised their bullying tendencies toward the weaker people among whom they had come. The term "Greaser," originally applied to the American and English buyers of hides and tallow, became an opprobrious designation for those of Spanish descent, native-born, Mexican, Chilian and Peruvian. These classes were made the victims of abuse, indignities and mistreatment, punishment for which fell largely on the innocent.

Injustice against the displaced residents appeared even in the statutes, or in the official application of them. Though law was unable to prevent injustice toward persons, its enforcement was efficient in the matter of collection of a "foreign tax" of $20 per month on every miner not an American citizen. In some camps, local regulations permitted mining by none but citizens or those intending to become such. Under the treaty ending the Mexican war, this should not have interfered with the Mexican residents; but frequently officers collecting the tax construed the law in their own terms, faithfully collecting from Spanish-American and Chinese and paying little attention to other nationalities. In a recorded case, a mob bent on "cleaning out thim furriners" was headed by an Irishman fresh from "the old sod" and a German unable to speak intelligible English.

Resentment of such injustice grew into whole-hearted hatred of the "Americanos," on the part of the Mexicans. To this add race feeling, envy of advantages, antagonism to the wealth-seeking energy of the newcomers, inability to cope with conditions which left many without any occupation they understood, and the animosity which is often the tribute of ignorance to success, and it is not difficult to understand the vengeful motives of bandit leaders and the widespread sympathy accorded them by many individuals among the less daring or less criminal of their race.

As already indicated, such reasons did not wholly account for banditry, for it had existed in milder form in earlier years. Fur-

ther, Mexican or Californian wealth was occasionally levied upon by some of the later robbers, for newspaper reports of March, 1851, stated that Pacheco, owner of a San Joaquin valley rancho, had been robbed of $15,000 in gold and 900 horses within the month. In the same year, a Texan, John Irving, headed a robber band which raided in Los Angeles county up to the time when a Cohuilla Indian chief and his warriors killed Irving and ten of his men. In the main, however, the worst period of banditry, up to 1856 or 1857, was conducted by those of Spanish ancestry, near or remote in varying degrees. It ranged from the pure Castilian blood of Murieta to the mongrel Indian strains of Soto and Vasquez; and the operations of the prominent leaders were almost without exception, and with much friendly sympathy, against the "Gringoes," Americans preferred. A few of the outlaw followers were Australian ex-convicts or American border ruffians. Murder was a usual accompaniment of their raids, and sometimes seemingly the chief motive. One writer, in speaking of Murieta, says: "His followers thought nothing of riding up to a miner's tent and shooting the inmates before they realized their danger."

Joaquin Murieta, grand duke of bandit ignobility, towers so pre-eminently above all others in the achievements of an infamous though brief career that he is remembered where others have been forgotten, and no chapter on this subject would be complete without some record of this chief of a bloody clan.

The contradictions encountered by an investigator are reasonably well shown by the comments of different reports concerning Joaquin's personality. One tells us that he was fair skinned, handsome, and educated; another terms him very ordinary in appearance; another (Hittell) says he was "vicious, abandoned, low, brutal, cruel, and a cutthroat by nature," and a fourth alleges that as a youth he "was remarkable for a very mild, peaceable and generous disposition." One kindly commentator claims that in his later career he "was sometimes remorseful; he wept over his crimes and the necessity that drove him on." The reader may believe that if he wishes. There are other descrepancies in the several stories; the matters here included are probably reasonably correct, for they appear, with some variations of detail, in different accounts or in uncontradicted newspaper reports.

Joaquin Murieta was a native of Sonora, Mexico, and came to California when he was seventeen years old, bringing with him Rosita Feliz, the sixteen-year-old daughter of an employee on

the place where he worked. Joaquin and his paramour located on the Stanislaus River, where he went to mining in honest fashion. Unluckily, he happened to locate on some of the richest ground of the neighborhood, seeing which some Americans, who had been less successful, "jumped" his claim, beat him brutally and mistreated his mistress. The young Mexicans moved to Calaveras county and began to farm; again he was driven away from a lawful occupation. He resumed mining, this time without interference, but without success, and next he became a monte dealer in Murphys Camp. One day he borrowed a horse from his half brother, and a man at the store to which he rode claimed the animal as having been stolen from himself. On Joaquin's asserting that the horse belonged to his half brother, a mob followed him to that individual's house, and after very little investigation hanged the half brother, tied Joaquin to the same tree and brutally flogged him. Standing beside his brother's grave, Joaquin swore that his soul should know no peace until his hands were dyed with his enemies' blood.

The bodies of members of the mob were found, one after another, beside lone trails. Joaquin's connection with the murders was not established until one night he stabbed a man—the eighth, according to some accounts—at the door of a Murphys saloon. As if disposing of a certain number of men had been his predetermined task before going completely "on the loose," he sent forth his war cry "Yo soy Joaquin," (I am Joaquin), and vanished.

Murieta quickly gathered a band of desperadoes. Reputedly the most ferocious and inhuman of that gang of thieves and assassins was Manuel Garcia, who from losing part of his hand from an American shot during the war bore the designation of "Three Fingered Jack." He brought as his credentials the murder, after extreme torture, of two young Americans in 1846. One of the lieutenants, and considered the leader's chief adviser, was Claudio, a bandit of conspicuous record and a sometimes independent operator. This man appears to have been the chief recruiting officer, and to have enforced a rule that only proved "killers" should be accepted in fellowship. Another of the gang was Reyes Feliz, brother of Rosita.

Santa Clara county was the first choice as a base of activity,

but was abandoned following the murder of a deputy Sheriff by Joaquin. The band moved to "Sonorian Camp," three miles from Marysville. The murder and robbery of seven men in three days within a radius of twelve miles stirred up that countryside; and when the total of violent deaths at unknown hands, in a limited area, mounted to seventeen soon thereafter, tracing the murderers became still more urgent. A captured Mexican thief informed the vigilance committee that the Sonorian Camp was the retreat of murderers and robbers. Sheriff Buchanan went to the camp to make arrests, but he and a companion had not entered it when a battle of shots took place and the Sheriff was wounded. The next day a large party went to the camp and found it deserted.

The band fled to the mountains west of Mt. Shasta. During the several months of their stay, horse stealing was the principal purpose, though skeletons afterward found in that region indicated that bloodshed had not been neglected. The Indians living in those wilds were persuaded into helping the plunderers, and sustained the chief losses in a battle with pursuers.

Having collected from 200 to 300 of the best horses of the region, Murieta and his men moved southward. Travelling by night only through California, they took their accumulated stock to Sonora, Mexico, where without doubt the owners of so many fine horses were persons of special note. In a short time Joaquin's command returned to California and established headquarters at Arroya Cantoova, a large tract of fine pasture land on the east side of the Coast Range and west of Tulare Lake. The gang by now comprised about seventy men. These were divided into companies under command of Garcia, Claudio and Pedro Valenzuela, with Joaquin, Feliz and two other men, and three women, working independently. Joaquin gave orders to make horse-stealing the chief business. for he had plans that would require 1500 or 2000 head of riding animals. Then, and wherever raids were made involving contact with persons, the leader, whichever it might be, proclaimed "Yo soy Joaquin," a strategy which helped to spread terror and to create an almost superstitious belief in the bandit chief's omnipresence.

Here we run against irreconcilable contradictions of authorities as to Joaquin's next movements, and incidents connected therewith. A pioneer work says that he and his men took up quarters in the vicinity of Mokelumne Hill; several others say his move

was to Downieville. This incident is located in both places; probably it really happened, in one place or the other: While Joaquin, unindentified, was idling away time watching a monte game, he heard his name spoken, and on looking up beheld several Americans engaged in conversation. One of them declared that he "would give a thousand dollars for a chance at that Greaser Joaquin." He stepped to the man's side, knife in hand, with the remark: "You cursed Gringo, I am Joaquin!" In the confusion that ensued he left the room unharmed, and was off for the hills.

Within a dozen miles of Downieville and its neighbor Kentucky Bar, Murieta, Garcia and Feliz committed eleven murders in one month. The usual procedure was to lie in wait and lasso lone travelers, then either drag them to death or stab them.

At this time Captain Harry S. Love was at the head of a small party, organized on his own responsibility, to hunt down the scourges of the State. Love had been an express rider during the Mexican war and his courage had proved equal to all the dangers encountered in traversing guerilla-infested localities. Following the course indicated by Joaquin's deeds of blood, Love trailed him to a Mariposa county ranch, where Murieta and several companions, including the three women, were in a tent. When the pursuers appeared, an alarm was given and the male outlaws cut their way through the tent and escaped into the night. Leaving the women to look out for themselves, the bandits mounted their horses, rode to a ranch eight miles distant and there stole twenty horses, which they drove into the mountains. Remaining in hiding the next day, they returned the next night, took the women with them, gathered up their stolen horses and safely made their way to their rendezvous.

The band next traveled south, establishing themselves in the vicinity of San Gabriel. Spies informed the bandit chief that a General Bean was recruiting companies of pursuers in Los Angeles. Bean made the mistake of riding home alone from that pueblo, little dreaming that the young Mexican with whom he had drank and discussed plans for Joaquin's capture was the man he sought. The General was assassinated on the road. In this case, the law took some vengeance, for four bandits, one of them young Feliz, were captured and hanged in Los Angeles. Joaquin himself was one of the crowd that witnessed the execution.

Love was a deputy sheriff of Los Angeles county at this time. He personally knew Pedro Gonzales, an important member of

Murieta's band, and having caught a glimpse of that bandit managed to capture him. Joaquin learned of the capture almost immediately, and with some of his men gave chase. They came within sight of the two men at daybreak the next morning, Gonzales, unarmed but unbound, riding beside his captor. Seeing his comrades approaching, Gonzales waved his handkerchief as a signal. Love saw the action, turned and saw his pursuers, drew his pistol and shot Gonzales and escaped.

A Santa Barbara deputy sheriff named Wilson did some ill-advised boasting in Los Angeles about capturing Joaquin. The latter heard of it, and disguised rode into the pueblo. He found Wilson recruiting men in a drinking place. A sham fight was started by two of Murieta's men, and when Wilson rushed out with the crowd to see the excitement Joaquin found opportunity to shoot him down.

Back went the band to Calaveras county, and on a foray into San Luis Obispo county. All they gathered there was a battle with a strong body of citizens, in which affair some on each side were killed.

Another fight occurred a few miles from San Andreas, resulting in the death of two citizens and three robbers. The bandits fled, and the citizens hanged one of their confederates and burned his buildings.

Matters were becoming warm for the outlaws, and they made their way across the Sierras, down the eastern side of that range, back to the San Joaquin valley by way of Kern River, and thence once more to Mariposa county. Miners were robbed of $15,000, with the customary murders. It was in that region that Three-Fingered Jack exercised his special delight of killing Chinese unlucky enough to fall into his reach. Six such bodies were found in one place, where the unfortunates had been tied together by their queues and their throats cut one after another.

Stockton was the next place visited. While there the leader saw a posted notice offering "five thousand dollars reward for Joaquin, dead or alive." He dismounted and wrote in pencil on the placard: "I will give $10,000. Joaquin"; then mounted and rode out of the town.

Having learned that a river vessel was soon to pass on its way to San Francisco, and that on it were two miners with stocks of gold dust, Joaquin and three of his men took a boat and awaited its coming. The bandits boarded, killed the two miners and two

of the crew, and Joaquin and one of his men escaped with the gold amounting to $20,000. Two of the bandits were killed by the miners.

Some of the many tales told of Murieta may have been imaginative. There is no doubt, however, of his daring, and his appearances incognito in many places where his enemies least expected him. A Tuolumne lawyer and sawmill owner named Dorsey had enlisted for his capture, and hearing that the chieftain was at a little place called Martinez he went there. He talked to a young Mexican whom he met about the pursuit. "Joaquin may be killed but he will never be captured," Dorsey was assured. It afterward transpired that the Mexican was Murieta. Dorsey went into the gang's black books. The spring supplying his mill camp was poisoned, but the poison diffused in the water failed to do any harm. Then members of the gang were told off to kill Dorsey.

It happened not long afterward that the lawyer was called on to defend a man accused of horse stealing. The prisoner admitted to Dorsey that he belonged to Murieta's gang, that he had been appointed to execute vengeance and that had he known Dorsey at an opportune time he would have killed him. But the situation had changed, and if the case were successfully defended the lawyer would not be further molested. The man was acquitted. At a later day Dorsey and Murieta met face to face on a trail. Both drew pistols. Murieta returned his to its holster, saying: "We keep our word; you are safe, sir." Dorsey appears to have been quite in the gang's good graces thereafter, for he befriended others of them on occasion.

At another time one of the band was being tried for a capital offense. Joaquin had recently murdered a San Jose man named Samuel Harrington, and had taken letters and papers from his pockets. At this trial he appeared under the name of Harrington, proving his identity by the stolen papers. His perjury on important points secured the freedom of his henchman.

Once more back in Arroya Cantoova Murieta called together his men, then numbering from 70 to 100, and explained his future purposes. He said he could command two thousand men gathered from California and Sonora, Mexico. He would arm and equip the entire band and with it scour the southern part of the State, killing the Americans and taking or destroying their property.

But despite his ambitious plans, all was not going as well as Joaquin desired. During his visit of state to Mexico he had

acquired another lady love, Antonia la Molinera, and she had returned to California and shared in his forays. One of his men was more devoted to Antonia than to their mutual master, and persuaded her to run away with him. Joaquin swore vengeance. News of his vow traveled from central California, where he then was, to Los Angeles, whither the runaways had fled. Antonia went to the authorities with all the information she could give, though it does not appear that she thus contributed to his undoing. Joaquin sent a killer, one Vergara, to Los Angeles to execute his judgment on the offenders. Vergara instead told Antonia all about it. When the chief learned of this new defection, he sent another assassin to deal with the traitor. This emissary was stabbed to death in a Los Angeles street.

Perhaps moved by these defiances by his own class, perhaps affected by the widespread demand for his extermination and especially by the knowledge that Capt. Love had taken up his pursuit in earnest, Joaquin prepared for a future life of ease by sending much gold and many horses—$50,000 and a thousand animals, the reports ran—to Mexico. But his own start for that safe refuge had been too long delayed for his own welfare.

It had been proposed in the California Legislature to offer $5,000 reward for Murieta, alive or otherwise. This was defeated by the argument that there were many reputable residents of California who bore the name of Carrillo, one of those adopted by Murieta—in fact, some writers assert Carrillo to have been the bandit's true name. Joaquin was known by sight to very few Americans, due to his aptness in disguising himself, the fleetness of his horses seldom permitting the near approach of pursuers, and his having slain Americans who got near enough to recognize him; therefore, it was held, such an offer would lead to unwarranted crime.

The banditti, by that time operating in the vicinity of Los Angeles, were averaging a murder a day, while farther south, toward San Diego, a detachment under Garcia was making an almost equally bloody record. Many sections of the State were under a reign of terror; and while the reward plan was defeated, a substitute was adopted for destroying the outlaw band. A law was passed and approved May 17, 1853, empowering Captain Harry S. Love to raise a company of mounted rangers, not to exceed twenty men, and muster them into service for three months unless sooner disbanded by order of the Governor, "for the pur-

pose of capturing the party or gang of robbers commanded by the five Joaquins, whose names are Joaquin Murieta, Joaquin Ocomorena, Joaquin Valenzuela, Joaquin Botellier and Joaquin Carrillo, and their banded associates." These rangers were to furnish their own arms and equipment, and to receive $150 per month while in actual service. It was made their duty to deliver any prisoners safely to the authorities of the county in which the capture was made. The reference to "the five Joaquins" indicates the skill with which Murieta had managed his affairs, and masked his identity. One of his lieutenants was Pedro Valenzuela; the name of Joaquin was borne by none except himself among the chief outlaws, and probably the five surnames were all used by himself at different times.

Probably only a search of musty State archives would show a correct list of Love's enrollment. Two such lists, each purporting to be authentic, agree more or less as to thirteen of the names, though only one name is the same in spelling and initials in both rolls. The company included Gen. P. E. (or B. E.) Conner, Wm. Byrnes (or Burns), Chas. Bloodworth (or Pludworth), Wm. T. Henderson, John White, Lafayette (or Augustus) Black, D. S. Hollister, Robt. Masters (or McMasters), George W. Evans, John Nutall, George Nutall, James Norton, E. B. Van Dorn (or Ned Van Burn). A San Francisco Chronicle writer in 1907 included Thos. T. Howard, Wm. and Edward Campbell, Nicholas Ashmore, George Chase, Capt. Wm. Howard. Of this enrollment (which accounts for but nineteen, exclusive of Love) Nutall was killed with Walker's filibusters in Nicaragua; Black died as a soldier in the Civil War; and five others died by violence at different places, while Love himself was killed in a Santa Cruz feud. Henderson became an Indian fighter and the namer of Telescope Peak, one of eastern California's landmarks. "Pioneers of El Dorado" names the thirteen and also C. V. McGowan, W. H. Harvey, Col. McLane, Wm. Prescott, Coho Young, S. K. Piggott, and last but not least Philemon T. Herbert. This Herbert fled from Alabama after he had killed a fellow student, became a monte-dealer on the Mother Lode, someway got himself elected to Congress, causelessly murdered a waiter in a Washington hotel, and on his return to California received a request signed by more than 2,000 persons asking him to remove his residence from the State he had disgraced. Byrnes was a gambler and murderer. Altogether it would appear that Love chose, from the hundreds who offered, a con-

spicuous lot of adventurers and gunmen, quite suited to the undertaking.

Joaquin had returned to the San Joaquin Valley, and 70 of his men were holding 1500 horses there awaiting the arrival of the promised reinforcements from Mexico. Love and his men set out from San Jose on July 5th, 1853. Cautiously scouting as he went, he proceeded through the Coast Range canyons and passes, occasionally taking prisoners whom he suspected of being on their way to carry news of his advance. The rangers reached Arroya Cantoova, but did not deem it wise to battle with the force found there. Love contented himself with explaining that he was engaged for the State to obtain names of all men who were hunting mustangs. After taking down the names of the bandits there, he started back, but after going a few miles changed his course to a point where he could watch the encampment. When he returned to the camp and found it deserted he was fully convinced that the detachment was part of Joaquin's band, and followed their trail. He found that the band had divided on the Tulare plains, some going south, some north. Some of his rangers were sent north on that trail, while he with eight men took the southern course. At daybreak the next morning, Sunday, smoke was seen ahead. Nothing but loose horses were seen until within 600 yards of the campfire smoke, when on ascending a small mound Love saw seven Mexicans scattered around a small fire. Their sentinel gave an alarm and all rushed for their horses except one man who was washing a fine bay horse with water from a pan. Captain Love rode up to the man holding the horse and asked where they were going. "Los Angeles," was the answer. Two rangers, Henderson and White, kept their attention on the man with the horse, while Love addressed another Mexican, whose reply as to their destination was not the same. The man with the horse repeated that they were going to Los Angeles, and told Love that if he had any questions to ask to address him, as he was the leader. Love answered that he would address whom he pleased. The leader advanced toward the saddles and blankets, and was ordered to halt. As he walked on, Love covered him with a pistol and told him that to go further would mean his death. The Mexican stepped back to his horse. The bandits were scattered and separated by the mounted men, and unable to act in a body. At this juncture Byrnes, who had known Murieta in Calaveras, rode up. Instantly Joaquin, who was the man with

the horse, called to his followers to escape. Garcia was on his horse and away at once, drawing the fire of several rangers. Attention having been momentarily diverted from Joaquin, he leaped on his horse's back and rode off at top speed, without saddle or bridle, guiding the animal with his hands and knees. Shots did not check him. He rode along a ravine, jumped the horse from a bank several feet high, and horse and horseman fell. Henderson, at his heels, took the same jump and also fell. While he was remounting, Murieta was again up and getting away. Byrnes sent a bullet into the horse's body. It ran on a short distance, then fell, and the bandit ran on afoot. The mounted pursuers soon overtook him, and discharged several shots into his body. Joaquin, facing them, said· "Don't shoot any more; the work is done," sank to the ground and expired. His body bore seven bullet wounds. He was unarmed except for a bowie knife; his attempted approach to his saddle had been to obtain his pistols. From the most credible accounts, Joaquin was probably between 22 and 23 years old when he was killed.

Garcia, the first to run from the camp, was pursued for about five miles, and was slain by Love himself, a bullet through the head being the final one of nine wounds. Two of the bandits were killed beside the campfire; one escaped; and two put their hands in the air in token of surrender. One of this pair broke away while the posse was returning, and was drowned in attempting to escape. The other was taken to Mariposa county, thence to Martinez. While there he made a confession implicating many of his countrymen, and was ready to make other disclosures when one night the jail was broken into and he was hanged by a mob. It is said that Americans had no hand in this lynching, and the supposition was that it was done by Mexicans who feared what he might reveal.

Murieta's head was taken to San Francisco, where it remained until burned in the fire of 1906. The maimed hand of Garcia was similarly taken as proof of his ending.

Claudio had separated from Joaquin before the Love campaign. While he had placed himself subordinate to the most noted of his class, his evil reputation was widespread. Revenge and bloodlust seem to have been his chief motives; while plundering was freely done, he first sought out real or supposed enemies and disposed of them. In 1852 he organized his own band and began to operate in the Monterey and Salinas country. His methods jus-

tified the statement of Bancroft that "the victims of robberies were almost always killed, whether or not murder was necessary in the consummation of the robbery." That statement appears to have been generally true of that breed of criminals.

Claudio and six of his men rode boldly almost within sight of the town of Salinas. A youth galloped into town with the news. The chief governmental officer there, a Justice of the Peace named Cocks, collected eight volunteers to ride against the outlaws. Claudio, overbold, had not tried to conceal his movements, and the posse soon struck the trail. It led to the cabin of an American long suspected of being in league with the bandits. An intention of quietly surrounding the house, which was approached at night, was frustrated by a watchdog. Cocks instantly planned his campaign anew, directing his men to dismount, charge on foot, and take shelter against the bullet proof adobe walls of the cabin. Claudio, knowing that he was trapped and relying on the darkness for escape, commanded his followers, "Out of doors and follow me." He happened to run into the arms of Cocks, a giant in physique, and was caught in an embrace that made him helpless. Claudio dropped his pistols to the ground and said: "I surrender, sir; I have no arms." Cocks released him, and the treacherous villain stooped and drew a dirk from his boot. Had he struck as he rose the story might have been different; but he stood up and raised his arm to strike, and as he did one of the posse shot him through the head. Five of the remaining six bandits were killed, and the other captured and afterward hanged.

Another bandit of the early '50's was Salomon Pico. He had fought Fremont and the Americans and had been captured by them and sentenced to be shot. An American acquaintance named Dana had interceded and saved his life. But Pico did not become the good American that Dana had promised; he had trained too long with Three-Fingered Jack and other outlaws for that. His reputation for molesting none but Americans made him a sort of hero among his fellow countrymen. With all his brutality, he had enough of gratitude to send a warning on one occasion to a son of Dana, preventing his being robbed and murdered by bandit Jack Powers, who had invited his guest Pico to join in the sport. He worked alone most of the time, but none the less was a terror to the countryside. His closest call in California was in April, 1851, when he and others were captured by a "people's court" and sentenced to be hanged. The law interfered to delay execution, and

before anything serious happened Pico escaped. He ended his days by violence in Lower California.

Jack Powers, the most notorious among American-named bandits, was credited with being as desperate a character as ever made travel perilous. At a time of special danger he fled to Mexico, where he was killed.

Tom Bell, a New Yorker, essayed banditry in 1856, but his ambitions were cut short by a mob which caught and hanged him and several followers.

Francisco Garcia, head of a company of renegade Mexicans and Americans, had a seventeen-year career of bloody acts. In a fight with his own men over division of spoils he was wounded, but no popular vengeance ever overtook him. He was arrested and tried for an old crime, and acquitted; and thereafter, so far as available record shows, he forsook the path that pointed to the gallows.

One of Francisco Garcia's men was of the same surname, given name Anastasio. This party managed to get himself convicted of horse stealing, for which he served a penitentiary sentence. On release, in 1856, he hastened to Los Angeles to square accounts with the man who had informed on him. He there became a member of a bandit organization, said to have numbered nearly a hundred persons. Passwords and other precautions for secrecy were employed. Some of this gang followed Garcia's enemy to San Juan Capistrano, but their intended prey escaped. Not to have their journey for nothing, they brutally murdered a storekeeper. While helping themselves to whatever they desired they compelled the dead man's assistant to prepare supper for them, and ate it with a relish while their victim's body was near by.

Sheriff Barton, of Los Angeles, organized a posse to pursue the criminals. At a rancho the officers learned that fifty of the bandits were in the mountains near by. After going twelve miles, they saw a man riding away rapidly. Barton and his men rode after him, and were ambushed. The Sheriff and three others were killed, themselves ending the careers of three bandits.

One of the leaders of this gang was Juan Flores. He had proclaimed a race war throughout the southern country, and had thus caused great feeling. Native Californians of Los Angeles were among the first to organize for the extermination of the gang and co-operating with them were several companies of Americans as well as United States troops. Ultimately, and at differ-

ent times, Flores and more than fifty others of the band were caught. Flores, whose age was but 22, and some others were hanged; the rest were discharged for lack of proof of criminal deeds.

Sato and Senati were aspirants for banditry leadership in 1856, but their success was not notable enough to have left any special record.

Juan Soto, companion of Vasquez during part of the latter's career, was a mixture of Mexican and California Indian, a low-browed, cruel-mouthed individual. While he made a record for cold-blooded brutality in crimes committed in the counties south and east of San Francisco bay, there is less account of his deeds than of his ending.

Harry Morse, Sheriff of Alameda county, was the man who in a most desperate affray finished this outlaw's career. Soto's gang raided a store in the little settlement of Sunol, murdered the storekeeper, and fired shot after shot into the living rooms in which the merchant's family crouched in terror. Morse and Sheriff Harris, of Santa Clara, selected a posse and took Soto's trail. It was followed into the wild Panoche Mountains, through which the posse rode for two days without seeing a human being. The few persons usually in any part of that range were Mexican sheepmen, friendly to Soto from either choice or fear. A herder was met on the third day. "Quien sabe?" he replied to questions; but Morse was not to be so easily put off. Dismounting, he put a pistol against the man's breast and said: "Listen, hombre. We know that Juan Soto is not far away. He came up this valley. You saw him and you know where he is. Now tell me quick, or I'll kill you like a dog." Tremblingly the man replied that he knew but dared not tell; Soto would cut the hearts from whoever betrayed him; he had so killed the herder's own cousin. "Soto is done," said Morse. "You lead us to him; I'll take care of you." "Up this canyon," said the man; "it is perhaps eight or ten miles."

Morse divided his forces, he and a man named Winchell riding up the bottom of the canyon, others on the hillsides, and the remainder of the posse in the rear. Surmounting a ridge, Morse and Winchell gazed down on three small huts. While it was thought that the quarry was still ahead, it was concluded to take the huts to prevent the alarm being carried. Advance was made on all at the same time.

Morse and Winchell met a Mexican at a corral, and asked for a drink of water. He led the way to one of the huts. While Morse did not expect to find the bandits there, he took the precaution of carrying his pistol ready for action. The guide entered the house, the officers close behind. Morse found himself confronted by Soto, with whom were some of his men and their women. "Throw up your hands!" said Morse. Soto glared but made no move, and some of the other men began to draw their weapons. Morse repeated his command, and with his free hand drew a pair of handcuffs from his pocket and directed Winchell to put them on Soto. Winchell's courage failed; he looked at the handcuffs, at Soto and at the others, and fled for his life, leaving Morse alone in the deadly den.

A gigantic Amazon caught Morse's pistol arm, and a man seized his other arm. Morse, powerfully built, threw them off and fired at Soto, the ball piercing the outlaw's hat. Then the officer sprang backward through the door, Soto after him. The subsequent scene was witnessed by Sheriff Harris, whose narrative is here followed.

The combatants opened fire at but five yards distance. Soto's shot went wild; one of Morse's bullets struck Soto's pistol, and the outlaw dropped the useless weapon and ran into the cabin, while Morse ran toward his horse and the rifle on his saddle.

All the men in the house came out. Soto had transferred to another man a blue coat he wore at the beginning, but was identified as with two pistols in his hands and one in his belt he ran toward his horse, saddled and bridled under a tree. The animal, frightened by his rush, broke loose and ran away.

Soto started for another horse, and Morse commanded: "Throw down your pistols, Juan; there has been shooting enough." Soto did not pause, and Morse shot him through the shoulder at 50 yards range. The wound changed the bandit's intention to escape to lust to kill. He turned and rushed toward Morse, his brutal countenance filled with rage and hatred, and shooting as he advanced. With each shot he paused to recock his pistol, then leaped toward his enemy, shot again, and repeated the performance until Morse, realizing that it was one life or the other, took careful aim with his rifle, and put a bullet between the outlaw's eyes.

An associate of Soto and of Vasquez, of whom more hereafter, during the early '70's was Procopio, "Red-Handed Dick." He

rivalled Three-Fingered Jack in wanton bloodthirstiness, and his name became a terror through central California. One of his favorite pastimes, it was said, was to ride past a stranger, then to knife the unsuspecting victim in the back. He formed a stage-robbery partnership with Soto and Vasquez in 1871, and plundered extensively for some time. The killing of Soto by Morse broke up this arrangement. Vasquez betook himself to Mexico for a while, but Procopio imprudently went into San Francisco to visit a girl. Morse got news of his being there, and after a dangerous but harmless encounter landed him in jail. Procopio was taken to Calaveras county and sent from there to San Quentin on cattle-stealing charges only. After his release he went to Mexican towns south of the border, where his boastfulness over what he had done to the hated Gringoes was carried to an obnoxious degree. He made the mistake of running afoul of a rurale. The latter went to his barracks and told of the presumptuousness of the boastful Procopio. When the bandit went to the door of the drinking place, answering a call from the outside, the several soldier-police there riddled him with bullets.

Next to Murieta in prominence among California bandits was Tiburcio Vasquez, whose career was longer than that of any others of his class. Beginning about 1854, it lasted over twenty years. Like Soto, he was of Mexican-Indian parentage. Born in Monterey in 1835, he earned something of a reputation as a "bad hombre" about as soon as he became big enough to wear the sheath knife generally carried by the young native bloods of the period. Tiburcio used his knife to some purpose in minor affrays before employing it to kill a constable who interfered to keep the peace when the young fellow quarreled with a rival for the favor of a girl. He was tried and acquitted, for some reason, but thenceforth was in the ranks of outlawry. He hated the Americans, giving as his reason: "The Americans came in and elbowed me at the dance. They drew after them the prettiest girls, and so I killed them."

"The bandit's straight black hair was quite long, brushed back in statesmanlike fashion from a rather high forehead," one printed description of him reads. The writer of this chapter has a different impression, based on remembrance of an old photograph taken when Vasquez was a prisoner in Los Angeles; also on what a newspaper writer then said of that portrait: "The picture represents a very ordinary Mexican, nothing more nor less, differing

from the description of the robber chief, since it shows nothing of the desperado, nothing of the 'high forehead' and 'generally intelligent expression above the average,' or to a degree to mark him as a leader, except perhaps as a sneak thief or three-card monte sharp."

Tiburcio made something of a reputation as a ladies' man. An early adventure of the sort was his stealing the pretty wife of his cousin, a member of his band. It was said that when he saw a good-looking matron in the domain over which he ruled, his first step toward conquest was to induce her husband to join his band.

Vasquez went to San Quentin for horse stealing, in 1857. He escaped, but was soon sent back under conviction for another offense of the same kind. This time he was out of banditry until 1863.

An inquest was being held in a little interior town over the body of an Italian butcher who had been robbed and murdered. Vasquez filled the role of interpreter. After the jury had found a verdict of murder by persons unknown, and Vasquez had departed, it was proved that he and a companion had committed the crime.

While his years of banditry lasted long, he also took more frequent vacations. One, in 1856, was while he was recovering from a wound inflicted by the father of a girl with whom he had eloped. After that he again spent some time in San Quentin, three years this time, for cattle stealing.

Following his discharge he joined with Procopio, of unsavory and brief repute, and Juan Soto in robberies in the region about San Francisco bay. Procopio was captured, but Vasquez escaped to visit Mexico, then to return to his former haunts. He had an extensive intelligence system, the advantage of the fleetest horses that could be stolen, and lookout points from which he watched for victims and pursuers. It became so that every crime within a considerable territory was attributed to him—probably some that he did not commit.

One day he robbed a stage and its passengers, tied the victims and laid them on their backs in a nearby field; then went around a hill and robbed four teamsters, and an hour later robbed a merchant. Pursuit followed, and while Tiburcio escaped he carried a bullet with him. He rode 60 miles to his hiding place before he collapsed, and almost died from loss of blood.

An unsuccessful effort to rob a railroad paycar, frustrated by the train's happening to run ahead of its schedule, was followed

by the ransacking of a store at Tres Pinos and the killing of three men. The next appearance was at Kingston, Fresno county, where the band tied up and robbed 35 men.

Governor Booth commissioned Sheriff Morse, of Alameda, to raise a band of rangers to capture the outlaw. Morse picked eight nervy men, and incurred an expense of $15,000, but accomplished nothing. Pursuit became rather inconvenient for Vasquez, however, and he transferred his activities to the eastern slope of the Sierras for a time, rich mineral discoveries promising profitable looting. Vasquez and one companion, Chavez, announced their arrival at the lonely stage station at Coyote Holes, Kern county, February 25, 1874, by firing fifteen rifle shots through the walls of the house. The six persons inside had no arms except a rifle without cartridges and an empty shotgun, and under orders filed out of doors and were tied up. The stage came along and its passengers were robbed, and teamsters who arrived had the same experience, until before the bandits left they had a colony of fourteen much interested but helpless prisoners watching their proceedings.

The whole band visited some of the camps, but confined their crimes to robbing stages and travelers. Then Vasquez left Chavez, his lieutenant, to take care of his interests in the region, and with some of his men went south to Los Angeles county. He robbed the San Gabriel mission, and retired into the Soledad mountains. Morse and his manhunters were in that county, but their efforts were unavailing partly because of lack of co-operation by the Los Angeles Sheriff. It was a deputy of the latter who finally caught the bandit chief.

Vasquez was attracted to a girl in the household of a ranchero not far from Los Angeles, and visited that place. But the girl did not reciprocate, for she began negotiations for his betrayal. At a set time she persuaded Vasquez to come to the table without the weapons he habitually carried, four pistols and a rifle. A wagon piled high with wood drove into the ranch yard, and when it stopped eight men jumped from its concealment and ran to the house. Tiburcio, away from his weapons, jumped through a window, and was wounded by shots. He put up his hands, observing to his captors that they had done well and he had been a fool.

The authorities at San Jose, where he was tried and sentenced, wanted to learn the truth about several crimes, and as Vasquez was condemned to death besought him to inform them. "Don't

you believe in a hereafter? You will be happier there if you do all you can here to square things." "I don't know whether I do or not," he is said to have replied; "the wise men of all ages have so believed, and I am but a poor, unlettered man. But if there is a hereafter I will be glad to go and see it. That, my friends, will be something new for me." He claimed that he had committed no murders. Finally he agreed if what he wrote would not be read until after his death he would put his story on paper. He wrote for many hours. After his execution, the eager officers found that he had produced a long dissertation on the rearing of children.

Vasquez was the last important representative of an infamous line. His lieutenant and principal heir Chavez was killed by a citizen in Monterey county. Santos Sotello, another inspired by the Vasquez example, was rounded up by a fellow countryman, single handed, and went to the penitentiary in 1877. When he got out, the possibilities of successful organized banditry were over.

PROCEDURE, AND A PRISON BREAK

Having taken an extended view of the criminal classes of the pioneer days, it may not be uninteresting to glance at the courts and officers who had them to deal with. The instances which follow are not given as typical; there were courts well conducted, in the matter of administration, whatever their effects on the drift of affairs.

During Bodie's flush times it had fire organizations with large memberships. Under State law, firemen were exempt from jury duty, and the exemption became permanent after five years of service. A Justice of the Peace, hearing a contested petty case, found that his bailiff had used up all the available jury material in town, and directed the calling of a new venire, including some of the exempts. The first exempt examined offered his excuse, and read the law to the court. "I declare that law unconstitutional," thundered the court, and unconstitutional it remained so far as that case was concerned.

After a Justice, ignorant of law, had listened to two days of argument, he looked helplessly at the opposing attorneys and said: "I don't know what to do; you two settle it between you." He stayed by his refusal to decide.

Bishop, California, lacked a jail, though having enough occasion for one. The local officers solved the difficulty by handcuffing prisoners to wheels of freight wagons. In one instance, no wagon was available, and the culprit was fastened with his arms around a small tree. The next morning he was missing; he had shinned to the top of the tree during the night, until he could bend it over and drop to the ground, and the officer lost prisoner and handcuffs.

An eastern Nevada town had no jail, and the Sheriff used his house for a prison. In the course of a card game, a dispute arose between men named Sullivan and Abbott. In the finish, Abbott was dead and Sullivan badly hurt. Sullivan was taken to the Sheriff's house, where he had all the privileges of a guest. As his wounds mended, he went about the town as he pleased. If the Sheriff got into a poker game that lasted until a late hour, he gave

the key to his prisoner and told him to go home and lock himself in. Sullivan was tried, and strange to say was sentenced to be hanged. Finally the court ordered that Sullivan be kept in confinement.

This order roused the Sheriff's ire. He said he had promised that Sullivan would be on hand for the hanging, and he didn't propose to have any friend of his treated in any such way. If the court's order stood, he would resign. Sullivan proved himself as square and friendly as the Sheriff, for he shot himself with one of the latter's pistols, after writing a note saying: "Tell the boys good-bye. You needn't resign. Better lock up the others who come along; they may not think as much of you as I do."

Eureka, Nevada, was another place without a jail, and the county authorities objected to providing one. County Commissioner Burgess was named as a committee to investigate, his recommendation for or against to be final. He drove into Eureka with a load of ore, and with two sacks of grain on his wagon. A citizen paid a "tin-horn" gambler to steal the grain. Fifteen minutes later Burgess rushed into the citizen's place of business, declaring: "I think you do need a jail in this infernal town. While my team was being unhitched somebody stole two sacks of grain from my wagon." "That's nothing," was the reply; "you're lucky they didn't steal the mules' shoes." Eureka got its jail.

In an earlier book the compiler of this record has told how Judge Reed, of a California judicial district, kept order by the expedient of bringing a loaded shotgun, both barrels cocked, into court, and observing that he expected order. A similar occurrence happened in Nye county, Nevada. A man named Newton dominated the locality, and had things much his own way. He drew a pistol on one McKay, and McKay had him arrested. The case came up in Justice Gally's court. Ere long hot words passed between the two principals, and McKay dove for a satchel in which was his pistol, while Newton made a move as if to draw a gun. "Order, gentlemen," observed the court; and as the disputants glanced at him and saw a double barreled shotgun covering both they subsided. Newton was held for trial, and told that he was to give $1000 bond for his appearance. He replied that when they wanted him they could find him. Gally was about to set down the gun, but on hearing this he raised it and told Newton he could furnish the bond or go to jail. The bond was furnished,

the objector explaining that he had to obey the rules of a court that was run with a shotgun.

Humor sometimes figured in the court procedure. Virginia had a Sheriff, Wm. Howard, who made the most of his opportunity for selecting jurors. He once summoned a venire of squint-eyed and cross-eyed men, and it was alleged that the lawyers were driven nearly crazy trying to be sure of the jury's attention. His next selection was a lot of remarkably fat men, overtaxing the capacity of the jury box. The next jury was composed of the thinnest men in the city. When he planned to call a jury of the ugliest men, and then one of the handsomest men, the court thought it time to make a suggestion, observing that the place was not a sideshow. Howard made one more successful effort, picking a jury of which each member was more than six feet in height, and which was long recalled in Virginia as "the long jury."

When Bob Howland, of Aurora fame, was appointed warden of the Nevada State prison the convicts there expected an easy reign, for Howland had a great reputation as a joker. They were disappointed. A highwayman named Kirk, who later was hanged in Virginia by the 601, was brought to the penitentiary. The first morning after his arrival he refused to come out of his cell and fall in with the other prisoners. Howland ordered the cell door closed, and the line of prisoners marched to breakfast, while Kirk raved and defied any warden to make him come out before he got good and ready. Howland went to the blacksmith shop and got a bar of iron twelve feet long, and heated about four feet of one end to redness. When he returned to Kirk's cell and repeated his order, Kirk repeated his abuse. The warden shoved the now darkened bar through the grated door. Kirk jumped to grasp it and wrench it from Howland's hands, but dropped it with a howl of pain. The warden swayed the bar back and forth, searing Kirk with every contact. Kirk raged, now bounding over the bar and striking his head against the cell top, and again dodging under it. At last he realized the hopelessness of his position and begged for mercy.

One of the most exciting occurrences of that period was the Carson prison break of 1871. The choice assortment of criminals confined there meditated over an effort at freedom, until on September 3, 1871, the chief plotters disclosed the scheme to a number of their fellows. As opportunity offered, the selection of a leader was discussed. "Jack" Davis, chief spirit of the Verdi

train robbery, was first proposed, but the condemnatory evidence he had given at the trial of that gang caused his rejection. Whether because of this lack of appreciation of his ability to command or for some other reason, he thereafter refused to have anything to do with the plot, though wise enough not to betray it. The choice finally fell on Leander Morton, a car robber.

The first plan was to get out by the connivance of a guard, Alexander Fleming. This person was to be on duty at a certain time, when he would be trussed up as an alibi for inactivity. He was to arrange a supply of arms, ammunition and horses. Later, he was to find $6,000 safely placed for him. For some reason, Fleming was inconveniently discharged. It did not appear to be judicious to try to corrupt any of the other guards, and a new plan had to be devised.

During the rest allowed the convicts on Sunday, the 10th, some of them climbed to the top of a tier of cells, cut a hole in the ceiling, and loosened a section of wall so that it could be removed.

A gale howled around the prison walls on the night of the 17th, and filled the air with blinding dust, but in the rooms of Lieutenant Governor and ex-officio Warden Frank Denver bright lights and cheery converse took no accounting of weather. A dinner was in progress, with Bob Deadman, a life-termer for murder, acting as trusty and waiter.

The gayety was broken into by the tramp of feet in an adjoining room. The break had been made. When Volney E. Rollins, captain of the guard, had entered the cell room to lock the prisoners in for the night, Pat Hurley gave the signal by dropping to the floor the iron ball fastened to his leg. On the instant a convict near the door felled Rollins with a bottle, while another struck him in the face with a slungshot. As he went down, still conscious, half a dozen of the desperadoes rushed forward to kill him. Two of the mob, Squiers and Russell, had sufficient humanity to pick up the helpless officer, throw him into a cell and close the door, saving his life.

Jailers have learned by experience to better guard against such happenings; with the greater precautions now universal under such circumstances it seems strange that Rollins should have been alone and unprotected in the midst of that pack of wolves. Not until the convicts had made their way out over the cells and were at the door of the warden's living quarters was it known that anything was amiss.

While the ladies of the party ran screaming down stairs, Denver met the mob at his door. Frank Clifford, a horsethief doing seventeen years, was in the lead. Denver emptied a pistol at him, and Clifford went down wounded, while Denver was prostrated by a shower of blows. Deadman, trusty, rushed in from the room where he happened to be at the time, seized a chair as a weapon and threw himself into the melee. He knocked down five convicts; one of them, after twice going down and getting up, drew a long knife and rushed at Deadman again. Deadman struck him once more, so effectively that the fellow went over a balustrade to the floor below, and remained there quite pacifically.

Most of the guards were off duty. One named Isaacs faced the escapes as they neared the outer door of the building, and shot at them while he had a shot left. In the meantime some of the convicts had run into the armory and secured two Henry rifles and several pistols, and they returned Isaacs' fire. A bullet broke his right leg at the knee, but he managed to still stand on one leg and oppose them. Another shot broke his hip, and he fell; in admiration for his courage his life was spared. John Newhouse, another guard, came up and fired until he fell with two wounds. Perasich, another of the small guard force, had gone into the yard unarmed, but secured a small pistol and with it wounded three of the convicts before he was incapacitated by wounds. The mob was still within the guard room, having done its shooting through the door and windows to clear the way ahead, when Matt Pixley, keeper of a hotel near by, heard the shooting and taking a pistol ran into the yard. Jones, who figured in later deviltries committed, fired at him through a window, shooting Pixley through the head and killing him instantly.

Twenty-nine of the most desperate characters in the prison streamed out through the gates; murderers, train robbers and horse thieves principally composed this crew thus released upon the countryside. Two miles from the prison the crowd separated into gangs according to their chosen routes of travel. One band of six headed southerly, with the intention of obtaining supplies in Owens River Valley, California, and in Fish Lake Valley, Nevada, completing their equipment by robbing a store at Silver Peak, and going on to Arizona, where they expected to live among the Indians between times of train robberies and such other depredations as might be expedient. This select delegation consisted of Jones, slayer of Pixley in the escape; Cockerill, ex-army officer

and train robber; Moses Black, horse thief and murderer, an inmate of the prison only six days; John Burke, murderer; Roberts, who though only 18 years old ranked as a stage robber; and Leander Morton, leader of the prison break.

This crowd hoped to meet Captain Dingman, then a mail rider but earlier a guard at the prison. In that capacity he had shot two convicts who attempted to escape, and it was proposed to avenge them. They did not meet Dingman; the mail rider happened to be William A. Poor, son of parents residing in Aurora. This unfortunate boy was murdered by Jones and Morton, who stripped off his clothing and donned it themselves, and so mutilated the body that Poor's relatives were not allowed to see it when it was brought to Aurora.

No mention has been found as to how news of this atrocity reached Aurora; when it did a posse was organized to take up the pursuit. Word was sent on to Benton and a similar posse of ten men started from there. The trail of the convicts was found at Adobe Meadows, a way station between the two points, and the Bentonians followed it into Long Valley, in southern Mono county. Late one afternoon the fugitives were sighted by Robert Morrison, a Benton merchant, and were seen to go up the canyon of what was then known as Monte Diablo Creek—afterward, and still, called Convict Creek. Night was at hand, and the posse made camp six miles from the scene of the next morning's battle.

Led by Deputy Sheriff George Hightower, the pursuers rode up the canyon early next morning, until a man was seen running on the hillside. Going a little farther, two more of the escapes were discovered in a small open space across the stream from the posse. The other three of the gang were away from the camp. The convicts at once took refuge behind a large pine tree, and firing began from both sides. Hightower and Morrison dismounted, the latter crawling along the creek's cut to get nearer to the desperadoes. In the shooting, a bullet passed through his body from side to side; four of the horses ridden by the posse fell; young Roberts, convict, was wounded in the foot and shoulder.

Accounts of the affair as told by Roberts after his capture and by other witnesses reflected no high credit on the posse. The brief exchange of shots sent them back down the hill, while the convicts lost no time before traveling the other way. Black crossed the creek, and as he passed near to where Morrison lay

the latter, so wounded that he could not rise, tried to shoot him. The cap on his pistol snapped, whereat Black deliberately shot him through the head. Morrison's body remained there all day; that evening, finding the posse unwilling to go after it, Alney McGee, of the camp where they were, rode across the hill and brought it in.

The fleeing convicts came to where an Indian was holding the horses left with him by dismounted posse members. They shot him and took the horses. They were headed into the rough Sierras, without trails to follow; it was not surprising that they found the horses useless; one fell over a cliff and was killed, one they shot, and the third was abandoned.

Burke, Cockerill and Jones, out of camp during the fight, remained in hiding and were not then found. The other three made their way southerly. On the fifth day after the fight, Black and Morton were captured by citizens near Round Valley, then in the same county. They had abandoned young Roberts to get along as best he might; two days later he was taken a few miles distant. When caught he said he was ready to die if they would give him a cup of coffee; he had had nothing to eat for five days.

The three recaptured convicts were taken to a ranch house, and from there a party started with them on October 1st for Carson. How they were taken from the guard by citizens; how a two-hour court decreed the deaths of Black and Morton, Roberts barely escaping the same fate; and how the citizens carried out the sentence and rid the earth of two hardened villains, have been told in another book by this writer, and will not be here repeated. Car robber Morton had passed to the degree of cold-blooded murderer; Black, already blood-stained, had committed two more killings; and two weeks from the night of the break, these wretches had paid the well deserved penalty of their crimes. Roberts, who despite his youth was considered at the prison to be as villainous as his older associates, was safely returned to Carson. Jones, as merciless as his fellows, had early agreed to match kill for kill with Morton, and so far as he could, carried out the promise; so far as records show, he was never recaptured.

Burke and Cockerill were caught by officers in southwestern Nevada, and went back to prison. Aurorans were most anxious to take charge of the prisoners; a letter from the camp said a purse of $1200 had been made up to be paid to the officers if the latter would deliver them to Aurora men. If such delivery had

been made, the consequences could have been foretold without much guessing.

All of this subdivision of the escapes came to grief, largely due to the pursuit by citizens aroused by the ferocity of the convict gang. None of the other parties committed depredations of moment during their flight, or received so much attention. Of the twenty-nine who broke out, fifteen were killed or recaptured within that number of days after their escape.

Deadman, whose heroic defense saved the life of Warden Denver, was thereafter pardoned.

A BOY IN CALIFORNIA IN FORTY-NINE

By P. A. Chalfant

(The succeeding narration gives a more intimate picture of details as they were than do the romantic imaginings which time has thrown around the days of the great gold rush. Strictly speaking, this narrative was never written, for its author, like many another pioneer editor, shaped his story "at the case," putting it into type for his paper in 1886 from memory alone, without copy and without notes.—W. A. Chalfant.)

Stories innumerable have been and will continue to be written about the early days of gold digging in California, but I have scarcely ever seen one but threw an air of exaggerated romance over the actual everyday facts and scenes as I saw them. The impressions conveyed by the stories of such literary dudes as Bret Harte are absurd in their untruthfulness. Though many of "the old boys" yet remain to bear witness, a new generation has been born and reached middle age since those days, and for the information of the latter, as well as for the edification of such of the former as like to compare notes, and "to fight their battles o'er again," I shall venture to herein record my own personal experiences and observations. It is a simple narrative of unimportant personal incidents, given precisely as they occurred, and as pictures of a notable era.

One bright sunshiny day toward the close of October—the 27th, to be exact—1849, five dusty, travel-worn, weary individuals marched each with a pack on his back, into the then somewhat notable "town" of Long's Bar, on Feather river—Rio de los Plumas, as its name appeared on the map those days. This party consisted of four men and a boy—this last being yours truly.

Just six months before we had left the States in company, we five, to cross the plains "the gold dust for to see." As invariably happened in every large train that organized to cross the plains under command of some so-called colonel, captain, or what-not, we were out but a few weeks until our big company of forty-five wagons split up into as many divisions as there were wagons—

more, in fact, for in some instances copartners in an outfit would agree to disagree, and the next day perhaps would be seen moving along defiantly in two or more divisions; two carts would be made of the wagon, a yoke or two of steers or cows for each, and occasionally, when there were several men in the original party, the incompatibility of temper largely developed, and not enough wagons to go 'round, one or two, who "wouldn't be imposed on by no man what wore har," would take the yoke they had put in the common team, put packs on them and strike out independently. It only needed a mess of badly constructed flapjacks, or some such trivial matter to set certain kinds of men by the ears after they had become partially alkalied, but before the real troubles of the long journey came to tone down the ultra independent gentlemen; and the more factious and independent the individual was at the start, the more dependent and docile did he generally become toward the outcome.

We five had started together; accidents, like the foregoing, though not personal between ourselves, brought about a long separation. One morning, on Pit river, seven of the eight yoke of cattle belonging to the two wagons with which I was connected "came up missing." We soon found them, dead some of them, the others standing up but full of arrows. One of them, my lead steer and a great pet, stood among the rocks near the river with no less than nineteen arrows standing up from his body in all directions. There were then six of us with the two wagons; four of us hunted Indians all that day with murder in our hearts, for it was the third time we had suffered at their hands, careful as we had ever been. This time they got the cattle while the guard, as day was breaking, was making a fire to cook breakfast. We found no Indians that time. As six individuals were rather many for one yoke of oxen, I proposed to move on, afoot and alone, the next morning; the others preferred to stay with the steers, and did, got caught in the snow, so did not get to the mines until the following spring.

With rifle, a single blanket, and a very few articles of clothing, not forgetting two days rations—bread, tea and salt only—I accordingly started out early the next morning. All day long I tramped gaily onward through the piney woods, never happier or feeling less care in my life. Except one small train, I did not see a soul until the third day. Before sunrise that morning I came to a wide river in a broad meadow. The grass was white with

frost, and the water was thick with anchor ice. I could sit down and wait for a train to come up, or I could strip and wade, with a chance for a swim, which could only be guessed at, for the ice hid all the bottom except near shore. With everything securely lashed to the rifle I waded in. It was cool, quite cool, to begin with; deeper and deeper the water grew, and not a bit warmer with the friction of the floating slush; midway it got breast deep; then I began to think I had made a very serious mistake indeed in not having left my worldly goods all on the other shore until after first trying the ford. The coolness was quite forgotten while this issue was pending; a few steps more and the water began to shoal, and then as soon as I got to shore I whooped like a Comanche, possibly at my wisdom in bringing everything over at one trip. Afterward I found that this was Feather river in the Big Meadows.

A few miles further on I came to a large encampment of emigrants. As I came up, four men with packs were just starting out. These were the four men first above alluded to, and whom I had not seen for two or three months. They sold their teams and had money in their pockets; except three or four dollars I didn't have any. One of these men, the Professor, had been a lifelong school teacher and from whom I had received many abstruse elucidations of very simple primary problems. Even in the dust and dirt, and with a pack on his back, he was still a pedagogue in words and manner and full of scientific theories. Mac was his partner, and the other two men were brothers, Jim and Andrew.

The third morning, tired and hungry, we stood on the summit of a lofty foothill overlooking the great Sacramento valley from Shasta Butte, the most imposing mountain on the Pacific coast, and which touched the skies away to the northward, on down south to the faint blue of Monte Diablo below Suisun bay, the fine river we had journeyed so far to see, and of which we had dreamed and sung, mapped out by a belt of timber green, though but dimly seen through smoke and dust and haze. It would be a grand sight at any time and all times; to us it was far more—a new world, of whose practical realities we knew absolutely nothing; we were yet to learn to a certainty that gold was to be found in even the most insignificant amounts, notwithstanding it was the stories of its wonderful abundance that had impelled us thither; but it had been full half a year since we had heard any

of those stories, and during all that time the world behind and the world in front had been sealed books. By this time it was possible for the thousands who had preceded us to have scraped up all there was, be it much or little or wherever found, a point upon which the Professor had theorized much and learnedly, but as ignorantly in fact as a mule. There was another fact, though, which just then was paramount to all questions of scenery, poetical emotions or learned theories without foundation sufficient even to muddle an uncertain proposition, and that was that we were awful hungry and had been for four weeks, and, as it afterward turned out, continued to be for many weeks after—a kind of hunger that an abundance could not entirely suppress for more than a few minutes at a time. I had killed a deer as he stood in the road the day before, and that and a little tea had been our sole supply, for we had been out then one day longer than anticipated.

Right in front, and apparently but two or three miles away, though twelve in reality, was a house, and the first we had seen, save those at Fort Laramie, for two thousand miles. Weston, no doubt, was a fast walker, but he could not have spanned that stretch much if any quicker than we did. We were at the Davis ranch, near Lassen's, now the celebrated Vina ranch of the Stanford University endowment.

The man said we could have a square meal; that there was plenty of gold in the country; that men who worked could make an ounce a day. Then he shut up and wouldn't answer another question, though he could have had his choice of at least a hundred nicely worded ones from the Professor.

What a breakfast that was! A snow-white table cloth, sure enough queensware dishes; not a speck of dirt on one of them; biscuits and broad slices of light bread; coffee and cream and milk, beefsteak and milk gravy, and potatoes and butter—butter, for a fact. It was the climax of a civilized breakfast, beyond the brightest dream of a starveling, but the way that outfit ate was a shame to civilization.

I have seen a hungry Indian start in to do honor to a white man's grub, and have heard disparaging remarks about his way of never knowing when he had enough, but since the above date I have always been disposed to excuse him.

A tall fine young lady waited on the table, but, except that she evinced no surprise even at a triplicated call for the same article,

and was very patient withal, the fact would not be worth mentioning. No doubt, though, she tells her grandchildren what prodigies of gastronomy she witnessed in those days.

Three days later we stood, as stated at the very outset, on Long's Bar. A few men were running rockers down near the water's edge. We gathered around one of the rocker men, hoping to get a glimpse of a handful or so of his gold dust. He rocked away with chilling indifference to our presence or curiosity. The Professor, in words and manner designed to give the lie to his shabby looks, said:

"I presume, sir, this is the method of extracting the gold dust, is it not?"

The man rolled up his eye for an instant, but said not a word. Approaching another gold digger, the Professor explained the self-apparent fact that he and his party had just arrived, and would take it as a favor if the gentleman would tell us where we might find a place that would yield sufficient gold dust to answer our immediate requirements. The gentleman said he didn't know of any such place.

It was a fact, often commented on among ourselves, that this peculiar churlishness and indifference in regard to the well-being of others, and utter lack of hospitality and sociability, was characteristic of the emigration for months after their arrival, or until they became used to the country and felt assured of at least enough to eat if not of wealth. Then they thawed back to their normal natures, or perhaps a little beyond, and a more wholesome, hospitable lot of men never graced the Pacific shores; many of them became a little too prodigal for their own good.

There was nothing better to be expected from any of the other gold diggers around; each seemed intent on his own business, and if he turned his eye on us at all, it seemed to have a stray-dog expression about it that conveyed the impression that fellow was sorry he ever got so far away from ma and pa and Mary Ann. The town consisted of a canvas house or two, a lot of brush shanties and a number of emigrant wagons, and even at that early period had evidently seen its best days.

There was a rope ferry in front of the place, and in the old ferryman the Professor found a man who could talk. It was refreshing to hear him tell of the wonderful rich diggin's to be found up towards Bidwell's Bar on the other side of the river—he was particular to explain that the other, or south side was far

the best. For half a dollar each he landed us on the other side.

Four miles up the river, and half way to Bidwell's Bar, we dumped our packs down under a spreading live oak, and went into a committee of the whole. A plan of action was mapped out, and early the next morning we began operations.

The Professor, Mac and myself were to work together, and Jim and Andrew were to be partners. An outfit for each party required a rocker, pick, pan, shovel, and four buckets of some sort in which to carry the dirt to the rocker. Both picks and square-pointed shovels were obtainable at the store at Bidwell's Bar, each costing an ounce, the equivalent of which was $16 in coin. This price ruled for several years after for nearly all kinds of gold dust indiscriminately, although the mint value of nearly all of it was not less than $20 an ounce. There were no coal oil cans or tin cans or vessels of any kind to be picked up or even to be purchased, except a few small ones of certain kinds, and they only at most exorbitant prices even for '49 times. So "buckets" for the dirt had, by most of the new comers, to be improvised out of sacks, canvas, etc.; hand barrows, camp kettles and the like were used by many.

Not a foot of lumber, except wagon beds occasionally, was to be had at any price. Fortunately the Professor found an emigrant who was willing to sell a portion of his wagon for $70, and also to loan us a jack-plane and saw, so in a couple of days we had two rockers built and ready for business. Some joints of stovepipe, flattened out and punched full of holes with a pick point did duty as rocker screens.

The Professor ran the rocker, using a frying-pan as a dipper. It took him some little time before he could "rock the cradle" continuously with one hand while dipping water with the other, the operation involving precisely the same difficulties as in the boy's play of patting the top of his head with one hand while at the same time moving the other in rapid circles over his chest. But in time the learned man overcame this trouble, and managed to wash the dirt about as fast as Mac could dig it and I carry it, sometimes on a trot, down from the diggin's, some twenty steps up the steep hillside. Occasionally we would take a look in the rocker to see how fast our pile was accumulating. It was fine scale gold, and on the vast quantities of heavy black sand with which those diggin's abounded, made quite a big showing. But though we had never before seen gold dust under such conditions, or but little

at any time, someway we were not highly pleased at the apparent speed at which we were piling up riches. I think it likely we would have felt pretty much the same way if the display in the rocker had been ten times as great, for we could have but very crude ideas about the entire business. Except a few interruptions in this way, we worked with the greatest vigor the day through, none more so than myself in my important role as pack mule.

The Professor, just at night, undertook to clean up and pan out—a tremendous job for an utter greenhorn, and with such fine gold in such a mass of black sand. Darkness came on before the job was near complete, and he postponed the finish until the next day.

Jim and Andrew, with the blundering luck that never deserted them for years until they had become wealthy and squandered their substance in lawing each other, came in at dark with well on to half a pound of gold, though yet mixed with much black sand. True to their natures, they glorified themselves greatly at their superior judgment and success.

Mac told them their judgment was "free nigger luck, that and nothing more," and Mac was eminently correct without shadow of doubt.

We three had done pretty well—just how well I never did know —but evidently not as well as the other two. In some indefinable way I could see that the Professor was considerably perturbed, chiefly no doubt, at the boastings of those two "ignoramuses," whose judgment and theories were not, for a moment, in his opinion, to be compared to his own. He took occasion also to remark that two men generally constituted a rocker crew. I had no cash capital invested in our "plant," therefore could all the better understand the drift of the learned man's thoughts. The next morning after we had disposed of our greasy slapjacks and salt pork, I was neither surprised nor disturbed in the slightest when he said in his grandiloquent way:

"Mr. Senior, I am credibly informed that parties are constructing an extensive wing-dam at Bidwell's Bar, and are paying $10 per diem for hands. You are such an excellent worker I am confident you could obtain remunerative employment on application."

"I'll try it, Professor." I replied, and in a few minutes more had packed up my little roll of "duds" and was on my way along the side-hill trail up the river to find a wing-dam or something, I hardly knew what, and cared but little, for I knew now that gold

was plentiful, so felt assured that in some way I could scratch out "grub, with a chance of a big thing," as the boys were wont to say.

This was, I think, the first day of November, 1849, and a bright and beautiful day, but the last of that sort we had for weeks after. I had got about half way to the Bar when a big coyote took a stand on a rock close by and began to scrutinize me in a way that made me feel as if I ought to shoot him. This operation would have been complete in ten seconds, only that almost for the first time in its history my beautiful and trusty rifle snapped and continued to snap. New caps were tried, one after another, and powder was packed in, but it was no go. The coyote meantime had taken up a new position a little further off and waited developments patiently. I spent an hour after he left in trying to get my gun in shooting order, but to no purpose. This incident, trifling as it was, produced a feeling of loneliness, almost of helplessness, beyond anything I had experienced, or perhaps ever after experienced, and all this too in the full knowledge that with proper facilities that were to be had at somebody's camp the gun could be made all right again. But in some way, boyish of course, I depended on that rifle far more than upon any human, though not cynical in the least by nature.

At last I came in sight of the far-famed Bar. But a short time before General Bidwell had packed out from there a mule "loaded to the guards" with clean gold dust, the proceeds of a few months' work of a hundred Indians. Now in lieu of Indians half a hundred men were vigorously shaking as many rockers scattered along the river side, and all about was a scene of activity, but a glance made it plain that the Professor's wing-dam, consequently my hoped-for ten dollars a day, was a myth.

Just below the bar a young fellow was dawdling around his rocker, waiting patiently for his partner to bring him an occasional bucket of dirt from the bank into which he was digging some sixty feet up the steep hillside. For the first time—and last while I stayed in the mines—I was looking for a chance to work for wages. While the rocker man was taking one of his periodical rests, I in a diffident half-choking sort of way offered my services. Looking me over carefully, he at last said: "I reckon you can tote dirt; wait till my pardner comes down." The partner came, and after some talk together it was agreed that I should "tote" dirt that afternoon for the munificent sum of two dollars.

While they were gone for their dinner I closed out the last of my own grub. Soon they returned, coming with extra buckets and a business air as if preparing for an annual hog-killing. Operations began, but the listless air so observable in the first instance had totally disappeared. Both worked with a dash that spoke volumes for their latent energies. It did occur to me at times as I toted down that steep hillside that this was probably the first time these gentlemen ever had any one in their employ, consequently could only keep down their fears of loss by working themselves with throttles wide open. A bucket of dirt would be thrown on the screen, savagely shaken and flooded for an instant, and the rocks thrown out to be followed by another bucketful, all before the tenacious clay on the bits of bedrock was fairly wetted. As I afterwards found out, a good share of the gold adhered to these clay-coated rocks, all of which, besides what was flooded through the rocker, was forever lost to those over-anxious gold diggers—hope so, anyhow, for there was no occasion to hurry things up quite so much. Nevertheless, I took the greatest care that operations were not delayed at either end of the line on my account.

The difference between Lord Wellington and myself was this: His Lordship, at Waterloo, badly wanted "night or Blucher;" I wanted "night and supper"—was not concerned in the least about Blucher.

In the course of time night did come, and with a substantial supper to which, by reason of the chronic hunger heretofore mentioned, I did substantial justice, with perhaps two or three slapjacks in excess. During this ceremony, which was by firelight, the first raindrops of the memorable winter of 1849 began to patter upon the flat-topped, brush-covered structure where we were, and which I think was a sort of primitive store belonging to my employers. While one of them was weighing out my $2 of gold dust, and the first that ever came into my possession, I asked him if I could sleep in a corner of his establishment. He replied that there was not room for all who stopped with him. He said it with a tone of seeming regret for which I remembered him gratefully. It didn't take much to win or lose a friendly feeling those times.

I proposed to set up next day as a gold-digger on my own account. It was necessary to have tools to work with—also something to eat. For a starter I had a small sheath knife; that, in "crevicing," would do in lieu of pick and shovel. The kitchen

outfit was composed of a tin plate and a flaring tin cup; that part was a small matter in the commissary—not a solitary thing; in the treasury, $4, all told, the gold dust, rolled in a bit of paper, included. I stood out in the rain, cogitating over these things. If I could only get a pan for gold washing my working plant would be complete. But that was the dread, for while provisions, such as were for sale at all, were by no means high at that particular time; an "ounce" each appeared to be the standing price for every article in the tool line. A light shone through a large wall tent near by, and going in I found it was a store.

The man in the red shirt, in reply to my first questions, said in slightly overdone politeness: "You'd better believe we've got gold pans; give you your choice from a dollar and a half to half an ounce apiece." Handing out one of the cheap ones, I found it to be a small steep-sided sort of a milk pan, but was only too glad to secure it before he raised the price. Reserving a bare half-dollar, I handed him all my cash, to be taken up in ship-bread, salt pork and black tea. With these I sallied forth to hunt lodgings for the night. Bright fires were blazing all around, and the gentle rain was manifestly producing lively times all about the camp. A place to make a fire of my own was the first consideration. Without climbing the mountains that loomed up on every side, no wood was to be found in the darkness. Two or three hundred yards below the camp, I stumbled onto a small so-called "bull pine," which some one had cut down, leaving the butt end resting on the stump. Under this until away after midnight I slept without even a dream to produce a break. But a single blanket on the bare ground in a cold soaking rain is not quite all that is required for uninterrupted sleep; so, crawling out some time after midnight, I undertook to improve the situation by hacking the boughs of the tree off with my belt-knife and piling them over the sleeping division. Of all the brush made none is so poorly calculated for roofing purposes as the boughs of the bull-pine. But I piled them up high, then slopped into place again. For a time I thought it was a success, though but for a short time. Before I put on this improvement the rain came down on me quite evenly disseminated; now it came through the "roof" in a more concentrated manner, each stream cutting to the skin wherever it struck. I wore the remainder of the night out somehow, but with no big margin of wear left in me.

At daylight the rain ceased, and soon after, down by the river

side, I prepared a grand breakfast—hardtack and pork stewed and fried together in the tin plate, tea boiled and well smoked in the flaring tin cup. Until about half finished it seemed to me I had never eaten a better breakfast; it never occurred to me that it lacked in anything—so much for a reliable appetite. But when the grand dish was about half consumed, as just intimated, I made a discovery which when fully verified caused the raw morning air to feel quite warm. It was, to begin with, only a bug, and a little one at that. He was cooked up in my grand dish—got there accidentally, of course. I examined him enough to classify him as a small edition of a cockroach, but complete in all departments, black shell and all. Proceeding with breakfast for some little time I at last found another little bug and still others, till perfectly satisfied the accident hypothesis would no longer account for their presence. Investigating further, I found that there was not a bit of that hardtack, cooked or uncooked, as big as the end of my little finger that did not contain one or more of these little bugs. I always did, even to this day, abominate bugs as an article of diet, and throwing the last crumb into the river, then it was the atmosphere seemed warm, and then it was, too, that I felt worked up to know that my gun was useless, for otherwise I do think I should have gone back and, politely as I could, have asked that red-shirted scrub if he considered it honest to sell hardtack and bugs mixed because I bought by candlelight. He, however, not long after died with snakes in his boots, or scurvy, I am not certain which; but either one was partial retribution.

Having disposed of the hardtack and bug chowder, the next business in hand was to make a beginning in "accumulating wealth," as the Professor had remarked in first starting his rocker. In view of the depleted condition of my larder, it was a matter of the first importance that the first effort at digging gold on my own hook should be at least a partial also an immediate success. Where to commence operations was far more a question than the how, for with nothing but a butcher knife and a little tin pan, manifestly the "how" was down to very narrow limits.

Even then all the ground for miles all along the river from the water's edge for two or three rods up the hillside had been worked out by the first gold-diggers, who were mostly "Webfeet," or Oregonians. The "Pilgrims," recently in from "the plains across," were now operating the deeper and much poorer ground just above

highwater mark, the river at times rising twenty feet vertically, as we afterwards found out to our cost. It will be seen from this that the extent of virgin ground in the river bank diggings, the first and easiest worked, was much less in the fall of '49 than has generally been supposed.

Without a pick I could not open new ground; with the knife I could scratch out the crevices previously worked, and about a quarter of a mile below my breakfast station I found some crevices that looked favorable; and in half an hour or so scratched out a panful of dirt. While proceeding to wash this, for the first time I was beset with a feeling of profound anxiety. Some way I felt that the result of that pan was to be emblematic of my future fortunes as a gold digger—and I guess it was. Seated almost in the water's edge, the portentous ceremony of panning it out began. The big river surged sullenly along, clear and icy cold, little wavelets constantly jeopardizing results by breaking into the pan as I shook and tipped it in a manner that I was confident was truly scientific for a first attempt. Every few seconds a sort of tidal wave would roll up around my feet, but that was no matter; the only care was to see that it didn't unduly flip too much out of the pan. Black sand and still more black sand for half an hour, possibly an hour, yet not a color in sight. The suspense became too great. "I'll know right now," I thought with desperate resolve. Letting the water pour strongly on the black pile in the pan it washed it to the bottom. Before, all was black; now it seemed all bright shining gold. Straightening up, I looked about. A little below, two gentlemen in butternuts were running a rocker in a manner that indicated they would much prefer to hunt coons. "Go to it, Butternuts," I said to myself, "we'll all make our piles yet." Now I felt as if we three were all in the same boat—chums like, successfully working in a common cause. But inasmuch as they seemed entirely oblivious of my presence, and in fact quite indifferent about the whole business, I suppressed an impulse to go down and pat the rocker man on the back and congratulate him on the outlook in general, so set to work again to finish panning down. As the black sand slowly diminished, the difficulties increased in a reverse ratio; when a dozen or so grains were fairly on their way over the edge of the pan, several little colors would persist in going along. It was miserably thin, flaky gold anyway, and showed up for all it was worth, and a little more. Before the sand was near all out I decided to postpone the finish

till the day's pannings could be treated in the aggregate. I worked cheerily, and without losing a moment's time, all day long, and had not yet quite panned down the fourth pan for the day when my unknown chums suspended operations and were gone to their holes, wherever they might be.

Dumping the result of the four pans together, I worked faithfully in trying to reduce the mass of sand to reasonable proportions. It was important that I should get some of the gold scattered through it in merchantable condition. Salt pork straight and tea were to be my bill of fare until that result was accomplished. It was better than the bug mixture, yet susceptible of improvement. The reducing process was slow, and night, black and rainy, was at hand. When one color, or half a dozen together, slipped into the cold stream, as they often did, they were all told to "go it; there's some left." At last, when there remained about half a pint of the sand and gold mixed, I gave it up, and began to hunt a hole in which to pass the night.

The rocks and cliffs in the vicinity offered no inducements. Climbing half way to the summit of the mountain I at last found an oak tree under a big pine, the low branches of the oak extending uphill such a way that I could pile slabs of pine bark lying about on them, with hope of a tolerable shelter. This was accomplished in rain and darkness, and wood gathered for a roaring fire. The whole arrangement was eminently satisfactory, although the roof was leaky and the supper a little short.

The one absorbing idea of the entire day and evening and part of the next day was to get out gold enough to buy a frying pan and some hardtack—free of bugs, of course—and pork to cook it in. I was not troubled about anything else whatever.

The next business in hand was to blow out the sand I had failed to wash out. The tin plate, thoroughly scoured out with leaves and earth, served in which to dry the sand, and a sheet of crumpled letter paper had to serve as a blow pan. Taking a small quantity of the dried sand at a time on this, the novel operation was begun and carried on for hours. For a time it would progress smoothly; then splash, splash would come rain drops from above, and paper, sand and all would have to be re-dried. Then, as the night advanced, rain fell heavier, the wind came in puffs, and what with whirling smoke, fire and rain, business had to be suspended for the night, much to my regret. In the course of time morning came and the sun shone out. The blowing operation was re-

newed and in about three hours was completed, and the clean gold rolled in paper. How much is there? Can't say, but there must be about an ounce, for they say that's what a fellow will make if he works all day. I worked, and I know it. So my thoughts ran while packing up to "go down town to do some shopping"—for which there was considerable need, independent of the frying pan.

There was more rapidity than grace in the way I descended that mountain. A man by the name of Dobey, as I afterward learned his name, had a store about a quarter of a mile below the main town, consequently that far removed from the one where they sold bugs, a point in Dobey's favor. Going in, I was almost intimidated at seeing that the young man in charge, and the only person present, had on a full suit of broadcloth, the first rig of the kind I had seen for many months.

"What can I do for you this morning, my little man?" he asked in a tone that showed he was perfectly fresh from his uncle's store back East. In the best English I could think of at the time I enumerated a number of articles I wanted, reserving the grand swoop for the last, to-wit, the little frying pan, which he said was worth six dollars. This frightened me; suppose this little dab of gold won't hold out when he gets all these things set out.

"Maybe you had better weigh the gold first," I said, handing it to him.

He threw it into his blowpan and banged it around with a magnet as if he knew to a certainty gold was the merest dross, then in like manner into the scales, and finally announced the result: "Three dollars and seventy—no," he said, looking at his weights again, "five dollars and seventy-five cents." The announcement took my breath; my air castle had come down with a totally unexpected crash, and the frying pan was buried out of sight.

With what supplies the dust would buy I moved down the river again, and after disposing of the most welcome dinner I had yet had, renewed mining operations. Before I got the first pan washed down, soon after noon, the first rain to fall in the daytime began to come down, and with more or less steadiness kept coming down day and night for the next three weeks. I got under the roots of a fallen tree where I could keep tolerably dry, or rather not get much wetter, and there put in most of the afternoon on my rifle, which to my proud satisfaction I finally got in running order. This accomplished, I began to canvass the situation. There was

nothing cheering about it. The shades of evening were closing in, the wind was rising and moaning through the forest, driving the rapidly falling rain before it, snow was whitening the tops of the adjacent mountains, the now muddy waters of the river roared angrily along, adding to the gloom if not to the actual discomfort. Withal I was wet and chilled and had not a hole to crawl into; worst of all I had no tool of any sort with which to construct any kind of shelter.

The only feasible thing to do was to go somewhere and join forces with somebody in building a shelter. In lieu of other acquaintances I decided to go and submit the proposition to the Professor and the others, who were yet probably where I had left them, four miles below.

Very soon after I started it became pitch dark, and the rain flying in my face fiercer than ever added to the difficulties so much I could hardly keep the narrow slippery trail on the steep hillside at all. In a couple of places it crossed slides running sheer into the foaming river, and these, using the breech of the rifle for an alpenstock, I crossed, mighty apprehensive of results, by stepping a bare six inches at a time. In about two hours I got to the bar opposite the mouth of the North Fork. A big fire blazed in front of a small tent, and around stood half a dozen men, wet and steaming.

A few questions were asked and answered. They said it was impossible for me to make the remaining two miles in such darkness and rain; that they would be glad to give me a place to sleep in their tent, only they themselves just filled it "plumb full." I thanked them; told them I had no notion of going any further that night if I could stay by their fire; as well stay out of doors one place as the other.

The whole party soon got into their blankets out of the wet. The tent was plumb full, sure enough. I was quite warm from the hard traveling when I arrived. The heat of the fire, by evaporating the water in my clothing a side at a time, soon converted the suit into a sort of unpatented ice cream freezer; my teeth clattered together like castanets; the fire burned lower and lower, and the rain more than supplied the waste of water by evaporation, yet there was no notable improvement in the situation.

I began to feel as if I would pretty surely chill to death before morning, for the fire would soon be entirely gone, there was no

wood at hand, and almost a hopeless chance to get any more down from the mountain side in the rain and the darkness, and in my half lethargic condition, such as one experiences when badly chilled, I had hardly the courage to try to get any. In some sort of vague hope of keeping dry a blanket already wet, I had stowed it wrapped around my little bundle under a corner of the tent. My fine rifle stood against the tent post, full of water. I got the blanket out and with it over head and shoulders crouched down in the wet sand, and began to feel a sense of drowsy comfort and to dream of a big fireplace full of blazing hickory wood, and even to smell the coffee boiling upon the hearth, when the realities were brought back to me by a voice from within the tent. It said:

"Here, you fellows! Time to turn over. Spoon! All hands turn over, I say!" For a time this order seemed to have gone to waste on the midnight air. But directly it was repeated in a tone that evidently meant business, and the required maneuver—always necessary one or more times during the night when six men occupy a hard bed only big enough for three—was duly executed. I heard one of them remark: "I wonder if that little feller's out there yet?" I kept very quiet, and intended to. The one who had an outside berth swore he was going to see, and, as I supposed from the growl of the disturbed individual next adjoining, raised up in his blankets.

"Hello, mister;" he sang out in a sort of doubting challenge.

I had begun to feel as if I could weather it out till near daylight when I proposed to quietly "vamos the ranch." The challenger seemed to get a little alarmed, for after remaining quiet a little he said: "I believe that feller's dead," ending with another "Hello." Then I thought best to answer. He wanted to know if I was dead. I told him I wasn't quite. The young man could swear fluently, and in that way satisfied himself that I would be dead if I stayed there any longer, and that I should come inside if I had to lie on top of the pile of them.

In deference to his earnestness quite as much as to please myself, I finally crawled in alongside of the profane but warm-hearted young man. My quarters were narrow—so narrow that as I lay on the bare water-soaked ground the sag of the tent rested on me from knee to shoulder, creating a shortline connection for the over-abundant water streaming down.

The middle men in this tent full were steaming with too much heat, and there was a general wash-house odor. But in my out-

side department there was an unbroken series of arctic suggestions from top, bottom and sides, until break of day. Very few old stagers but have passed many nights under even more disagreeable conditions of weather and lack of means of comfort than I did then. I know I have, a number of them; but as memory recalls the past this particular night always comes up first and most prominently in review, and for that reason and as a fair sample of many such "bedroom" scenes, is thus described in detail.

As soon as it was light enough to see, the proprietors got out and soon had a fire in full blast; hearing this, you may be sure I soon got out too. I was soaked through, chilled and bleached out. The rain had settled down to a cold fog or mist. Turn to the fire as often as I would, it seemed impossible for me to get warmed through, or get up courage to start on my way, though resolving at every turn that before the next I would go anyhow. But alas for good intentions. One turn followed another and so did the resolves.

I neither received nor in the least degree expected an invitation to take breakfast; it seemed unreasonable to expect such a thing, those times. My supper the evening before had been a mere pretext, on hardtack alone. What remained of this was a pitiful handful of mush. Still, anywhere alone, I with that and the pork and tea could have got along well enough; but to set out to prepare such a mess here in company wasn't to be thought of. Yet I lingered while my hosts fried delicious "States" bacon and slapjacks, which with the flavor of boiling coffee constituted a temptation that might well have excused Esau in the bad trade he made, had conditions been similar. But the trouble was I had nothing available for a trade. The little dab of gold dust and sand, the result of the last pan, was nothing. The remaining half dollar alone was no equivalent, as it appeared to me. But something had to be done, and done right away, for the gentlemen were sitting down on the ground ready to begin the ceremony in which I was so deeply concerned, but evidently not to be a part, so as a last chance I proffered both the dab of gold and the half-dollar. The latter alone was accepted, and I did ample justice to the breakfast.

An hour later I got down to the Professor's camp, just where I had left them. They were a seedy, unkempt looking lot, but were in good spirits, for they had rocked out considerable gold, the Professor and Mac each $12 a day, the other two, with their

never failing luck, double as much. It was settled that we should construct a house of some kind for joint occupancy. I put in a portion of the day crevicing and panning, and having a pick this time got out several dollars by noon.

The boys had captured a sort of canoe that had drifted into the eddy near camp, and in this I crossed the river, now swollen and dangerous, to visit our nearest neighbors, who were working a number of Indians on a bar about a quarter of a mile below on the opposite side. The particular object of the visit was to borrow an ax or two, we having nothing of the kind.

The two men running rockers were quite pleasant, and without so much as a grimace to impress me with the weight of the accommodation at once loaned me two good axes. Then in the innocence of the greenhorn I asked them how their diggings were paying.

"Oh, it's hard work to get out enough to buy beef for these Injuns."

Two or three years later I met one of these men in the town of Shasta, where he owned a big hotel, and I believe a stage line or two, all big paying institutions. His name was Dick Bentley. He then told me that while he worked on that bar where I borrowed the axes from him he and his partner, with the help of three or four Indians, cleaned up over $1000 each week for nine weeks, and then before their diggings were near worked out left and came into the Shasta region ,expecting to find better diggings.

When I got back to camp with the axes a forlorn looking young man had just dumped his pack. He told me that he crossed the plains in a Michigan company, and that they had been caught in the snow near Goose lake, and forced to abandon wagons and everything, and by a hard struggle he had managed to get where he was then with what he could carry on his back and a few dollars in his purse, but was mightily afraid he would starve now that the rains had set in, and so on and so forth. We at once agreed on an alliance offensive and defensive, although he had one blanket the advantage of me. We worked together for months after, but except that we called him Michigan I have not the remotest recollection of his real name.

As evening approached, the rain began to come down in a business-like manner. Now with a third blanket at command, Michigan and I fixed up quite a comfortable shelter, as also in like manner did the others. The rain fell almost in sheets until noon

the next day. Nevertheless, Michigan and Mac went to Bidwell's in the forenoon for supplies, and came back with a small lot of the most needed articles and a most doleful story. Flour and everything of like nature had risen to $1.50 and $2 a pound; at the outside, there was not to exceed three weeks supply of food of any kind on the river, and as long as the rains continued hardly a chance for any more to be brought in, for the Sacramento Valley was a sea of water, and the foothills and roads were quaking quagmires. Wagons, buried to their hubs, were abandoned in the road on the mountain, where, in the dry season, a 40-ton locomotive might have run over the road without cutting down.

The grub outlook was exceedingly gloomy. If the rains held on there was no alternative but for everybody to leave the river, and go somewhere. But where and how to get there, especially for us totally impecunious individuals, were problems too much for even the learned Professor. There was one chance, though, for subsistence that might do. We began investigations on this line immediately, and at times continued them for several days.

Tons of the largest and finest acorns lay under the oak trees, and vast quantities of the same were to be found in every pine tree. (The woodpeckers spent a great deal of their time in boring deep holes in the thick pine bark, one to every four square inches about, for a hundred feet up, and in driving an acorn to an exact fit into every hole, old or new, where they would keep perfectly sound for a year). But raw or roasted, fried or boiled, floured or whole, there was a bitterish tang about them especially obnoxious to our uncultivated palates, however it might fit the taste of a Digger Indian or a hog. We were unanimous in the verdict that acorns for a steady diet would not do, although in solid earnestness it looked very much as if we would have to make them do.

The rain having slacked up somewhat, we in the afternoon of the day last mentioned—which was about the 10th of November—set to work with a will, all hands, to construct some sort of a house, for it was settled without a dissenting voice that a shelter was a necessity whether any more provisions were brought in or otherwise. The plan was to make a dug-out in the hillside and cover it with timbers slanting from either side to a heavy ridge-pole, then finish the roof with a plentiful supply of brush and earth. The only timber or poles attainable were the tops of the big pines. While four of us plied pick and shovel in the excavation, the other two wielded the axes at the stump of a monster

pine which stood some thirty feet higher up the hill on the opposite side of a steep ravine from the proposed mansion. The ground was wet and soft, and by the time the shades of evening were closing in, and the rain had begun to patter down as usual for the night contract, the excavation was pronounced complete and ready for the superstructure, which, rain or shine, was to be fairly completed by the close of another day. True, the bottom or floor that was to be was a loblolly of red mud, and little rivulets of muddy water were pouring down the sides, but these objectionable features could be overcome in time, and nobody took exceptions. Meantime, the axmen had put in the greater part of the afternoon on the huge pine, and it was now nearing its fall. Mac, the chief artist of the ax department, planned his cutting so as to drop the top of the tree just above and directly alongside of the pit, this to save transportation. Now, at this late period, it is of no consequence whether it was Mac's judgment that was at fault, or as he always claimed, that of the uncertain wind, certain it is there was a mistake somewhere. The monster came down with a force that shook the sodden mountain. After its top in its downward career had dropped below the level of the stump, the centrifugal force launched the whole tree twenty feet endways, so that it made a vicious plunge square into our excavation, caving down its sides, and burying trunk and broken branches in red mud.

On rare occasions the Professor would give way to facetiousness, but nearly always in a classical line.

"Oh, what a fall was there, my countrymen," he declaimed as he wiped the trickling raindrops from face and beard.

"I've sent your tree home, and will be over myself tomorrer," yelled Mac, as he stood on the big stump away up on the hillside, looming up like a wild turkey in the mist.

"Be sure to bring your wife and all the children," yelled back one of the boys, with an emphasis on the "all" as if implying not less than fifteen.

"Don't forget the dogs, Mac," said another.

"Let's go to the house, out of the wet," said another, with a dismal attempt to be funny, while shaking the rain off like a wet dog.

"And have some dry clothes and coffee with cream in it," responded another lugubriously.

"Don't forget the 'taters and chicken gravy," said Mac by way

of climax as he started down hill to camp, without coming over to view the ruins at all.

The dreariness of the camp, where we all followed Mac at once, was soon relieved by a monster fire, now easy to have by reason of having the axes. Imagination supplied the other comforts.

The first duty in the morning was to return at least one of the borrowed axes. The river, though not yet booming as it did a few weeks later, was high enough to roll considerable waves from the foot of one rapid to the beginning of the next, the dead water stretches of the low stage having entirely disappeared. I had ever been a canoe expert, but not exactly on this style of river, and while viewing the apology of a canoe said to the boys that I thought "it would be cheaper to give the boys on the other side an order on the store for a new ax rather than try to get this home." They didn't seem to understand the drift of this joke, but they did advise against taking the risk, if the axes were never returned. Nevertheless, I took it home and got back in safety, but never before did I have to work so hard to keep a canoe from coming broadside to the race-horse current when striking into it from the strong eddies boiling in the opposite direction on either side. About six weeks afterward, the river having calmed down somewhat, a stranger borrowed the canoe to go to the other side, saying he would be back in about an hour. When told that it was rather dangerous, he said, "Oh, I can paddle a canoe as well as anybody," and getting in, commenced running upstream in the eddy in good style, but when her nose took the waves and current she came around as if swung on a pivot. The stranger splashed wildly and frantically with his paddle to hold her up, but almost in a flash her stern was out in the stream and her bow heading back to our side, to regain which he then bent all his energies. He did get her nose back into the eddy again, but only for an instant, for the current carried her around with such force as to throw her in the stream again, and away she waltzed to destruction. We could see that the waves were dashing over sides occasionally, but the old hogtrough rode them all beyond expectation. The stranger soon lost his paddle; jumping to his feet, his face white as a sheet, he looked around for a chance for his life, for now he was just at the head of the real rapids which extended straight for a half mile to a black point around which the river bent out of sight. On this stretch the waves ran three or four feet high, a fearful mass of foam at any time, and now there was death in

every billow. From some cause the canoe had worked considerably nearer the further shore, and as her head swung in that direction the stranger ran to that end and sprang as far toward the shore as he could. The canoe shot backwards, rode the first big wave of the rapids grandly, then went over and by us was never seen again; our attention was all centered on the struggling man. But it was very little we could see of him. His hat, often mistaken for his head, marked a black spot in the foam, but the man himself was wholly under water for two or three hundred feet, so far as we could see. Then right in the midst of the tumbling waters, but in two or three rods of the rocky bar on the opposite side, he rose to the surface and leaped almost out of the water toward shore, then he went down and end over end for some distance, then made another mighty spring, then disappeared again as before, but soon got his feet for another plunge and still another, which brought him in reach of a man who had been working on the bar, and had seen the struggle from almost the start. He ran ahead and rushed into the water as far as he dared, and just far enough to save the stranger, who notwithstanding his brave struggle would probably not have made shore, so completely exhausted had he become. It was almost a miraculous escape, and all the more so because the set of the current was against him nearly the whole distance. If the first leap had not placed him beyond the fearful center current, no power could have saved him. As we learned afterward, he told his rescuer that as he was being whirled along, now at the bottom, then at the surface, that he pulled off one boot, then the other, and was thus enabled to swim with some show for his life.

But, at this rate, we six never will get in out of the wet, so without further digressions I will go on with the housebuilding.

After I got back from my trip across the river that morning, we all set to work on a new excavation close by the wreck of the day before. It rained or drizzled by turns all day long, as usual, and as this sort of thing was becoming decidedly monotonous, every one worked in desperate resolve to have at least a partial shelter for the night. At dark the pit was complete, ridgepole in place, one side of the roof very nearly complete, and under it about a foot in depth of brush and wet "feathers" on which to spread our blankets. In the corner of the open part of the establishment blazed a good fire, and as we sat under the covered portion and steamed like dogs in a kennel we all said it was a grand success,

so far, and wondered over and over again how "poor folks who had no house could stand such a night as this," for the rain was coming down again harder than ever. Blankets, clothing and everything were chronically wet, of course, but we were comfortable and gay.

In due time we were stowed away for the night, six innocents packed in like sardines, and filling every inch of the covered space. The two boss snorers had just tuned up and got started on the opening duet, and the rest of us just comfortably merging into dreamland, when out of the darkness came a hail or wail, it was hard to say which, and in through the loblolly stalked a dripping stranger. His tale was soon told—had been three hours coming up from Long's Bar; had a friend up the river somewhere; would be all right if he could find him; so dark, though, he couldn't keep on the trail; was afraid he would slip and break a leg, or go into the river; would like to stay with us till morning.

The duet was suspended and the Professor sat up in the blankets and did the honors, and in most choice language, for the stranger was evidently no vulgarian. He pointed out the practical impossibility of putting a seventh man in a space already a little more than filled by six, but nothing would give more pleasure than to give the gentleman his own place for an hour or two during the night, and he doubted not that each and all of his sleeping partners there present would take pleasure in doing likewise by turns.

The proposition received general assent. The stranger, however, wouldn't have it that way, saying that he could pass the night in comfort by the fire. I knew full well how that plan would work; had "been there myself" but a few nights before. But it was perfectly understood that we would take watch and watch anyway, as proposed, the stranger to take the first watch, he being already "on deck."

Away in the night I awoke and remembered the stranger, fully expecting and determined to get up and give him or some one my place. The fire was out, darkness reigned, the rain pattered, the duet was in full blast, but there was no sight or sound of the stranger or any one sitting up. I persuaded myself he must have crawled in among us somewhere, so laid down and went to sleep again.

Morning brought a new revelation. The hill end of the cut or house was about five feet deep, in the red dirt of the country,

A COUNTY FREE LIBRARY
N JOSE, CALIF.

except at the bottom where there was a streak of sand. Out of this poured a full inch of water across the entire face; a nice creek under our beds and all across. There was some dry joking on a wet subject, while we moved out and took up a new position on the sandy point down nearer the river. For a time no one thought of our visitor of the evening before. Then it turned out that not one of us knew anything about him after the terms of his lodging had been settled as above related. None knew better than I what a time he must have had in his wandering that night, wherever he went. We never heard of him afterwards. Not one of us but felt decidedly mean over what we had done, or had not done, in regard to that visitor, and the suggestion that he had jumped into the river to get out of the rain, else climbed the mountain to get out of hearing that duet afforded us but very little relief.

It drizzled as usual, and we gathered about the fire in committee of the whole on the house problem and the grub question.

The grub problem had, with each day's additional rain, taken on conditions more and more difficult of solution, more and more unsatisfactory. Not a pound of any kind of supplies had been brought on to the river since the rains had begun two weeks before, nor would there be while those leaden clouds continued to drift in from the sea. And, so far as we could see, this they might continue to do for months to come, for now we were in a country where the winters were known as the "rainy seasons," during which Pluvius was supposed to have full charge, and to run things to suit himself; and it was clear that if it suited him to keep on even a few weeks longer as he had commenced results were going to be exceedingly unpleasant for everybody on Feather river, for provisions of all sorts would certainly be totally exhausted in two or three weeks more, unless it might be the private stocks of a possible few. The Professor and Mac were especially disposed to look at only the gloomy side of the picture. They only of the party had left wives and children behind them, and they both seemed to think it would go much harder with them on that account to have to come down to acorns straight than it would with us younger chaps. Jim, in his blunt sort of way, reminded them in effect that neither would be pulled down just then by having to nurse babies that were two thousand miles away, and that he thought they were just the sort of men to get fat on acorns—

which was a polite sort of way of calling them the biggest hogs in the party.

While it did look as if we would have to come to acorns as a staple article of diet, I took comfort in the knowledge that the mountains were full of deer, and anyway, that the time had not yet come to settle down to acorns; and except the two married men none of us were disposed to borrow the least bit of trouble about future uncertainties. The first business in hand was to try to get some supplies, as we were about out of everything. It was settled, too, that we would go right ahead with the house building, let the grub question turn out as it might.

Jim and I went up to the Bar for supplies. There were several tent stores there, but only one that had anything to sell that we wanted. As we stepped into this one, a miner was saying to the man in charge:

"Here, you can weigh out $200 out of this purse for a hundred pounds of flour out of this barrel."

The storekeeper hesitated a moment, saying that he believed that was the last barrel of flour on the Bar, but finally weighed out the flour and gold dust as proposed. We watched these operations with deep interest, but not in silence, for Jim lost no time in offering the same price for thirty pounds of the remainder, and which in due time was accordingly weighed out to us. We were lucky enough, too, to get a small bucketful of thin molasses —an article that remained plentiful when scarce anything else was to be had—some pork, tea, etc. I have no recollection whatever as to the price of these things, except that tea—a poor kind of black tea—always sold remarkably cheap, however high everything else might range. Jim's purse had six or seven ounces in it when he commenced to pay up for what little we had secured, but scarce a color remained when that ceremony was completed. We soon trotted over the four miles back to camp, and that evening all hands fared most sumptuously on slapjacks, pork, molasses, etcetera, and the acorn hobgoblin troubled nobody.

The site selected for our new house was the finest on all Feather river. It was a small flat-topped point, sandy and dry, and with a few nice trees standing together, among them a beautiful pepperwood—spice wood, we called it—whose aromantic leaves we afterward often used in lieu of spices in the grand fancy dishes we would get up whenever we could secure a cake of Chile peach pulp, or anything of that kind for a base. The view down the

river covered the foaming rapids away over half mile to the black point heretofore mentioned, and as we looked down from an elevation of near a hundred feet, the tumultuous waters seemed to come directly from under our feet, and one billow to follow another like so many snow avalanches in a wild stampede, together forming a picture ever new, and ever to be associated as part of the cloudy as well as the sunshiny memories of that spot. But it was the practical, not the esthetical advantages we were looking after, and chief among the former was the fact that here we were out of the mud, and right at hand was the little brook, on the side of which, further up, was our abandoned dug-out.

Though it rained regularly right along every day and night, in four or five days we had completed the finest and best house at that date on the Feather river. It was of the composite style of architecture, as will be seen, and quite imposing in appearance, for a passer-by would be imposed on to the extent of taking it for a coal-pit or something of that kind.

Save that it was all above ground, its plan was the same as that for the dug-outs—a stout ridgepole, set seven feet high on posts at ends and center, with similar poles at either side purlin plates, these necessary because of the difficulty of procuring timbers long and straight enough to reach from the ground to the ridge pole, thus to form wall and roof at one and the same time, this being the composite feature of the structure. Poles, brush, leaves, wild flax, sand, and finally a smooth coat of clay plastering, were all laid on in turn, pretty nearly two feet thick in all, on sides and one end, and when complete, we had an establishment to defy the elements, come hot or cold, wet or dry, blow high or blow low, and mighty glad were we.

Bedsteads, after the popular style, were built along under the sloping sides, leaving a narrow space directly under the ridgepole where a man not over tall might promenade without knocking his head any to speak of. Just within the open end was our kitchen, and there stood an article of furniture on which we based the claim of having the best furnished establishment on the river, and that was nothing more nor less than a real, sure-enough cast-iron cook stove. The curious part of all this is that while I remember vividly the most insignificant incidents of those times, I have not the faintest recollection of how we became possessed of that stove; but I am pretty sure we came by it honestly, for this reason: From the time the immigrants got in that fall until way

along toward the latter part of February, 1850, there was not a single case of petty larceny, grand larceny or any other crime known to have occurred on that river, though there was no semblance of legal restraint, except the law of common consent or self restraint, else that nobody had time to steal. Such being the actual facts and conditions, it is logically certain we didn't steal that stove. There was no chance to steal anything of the kind on our side of the river nearer than four miles, except that some immigrants, about the time of our arrival, had brought three or four wagons down the mountain to the river about a mile above our camp, and as it was not possible to get them out again I think it was there the professor got his wagon bed lumber for rockers, and subsequently this stove.

At last we got in out of the wet, and in a day or two thereafter had dry clothing and blankets for the first time in three weeks; yet, notwithstanding all this exposure, not one of us had been afflicted for a moment with a cold, cough or ailment of any kind, except appetites that would have shamed a circular saw—and these conditions, especially in the matter of health, held good for some months after, save touches of scurvy which subsequently weakened the knees of some of the party considerably.

Shortly after our house was completed, and we had resolved ourselves into three separate messes and partnerships on the original plan—stress of weather and circumstances having for a time broken in on that plan—the clouds rolled by, and for three weeks came bright, balmy weather, finer, it seemed to me, than mortal had ever before seen. But for that period of dry weather there is scarce a doubt but almost the entire camp would have been starved out. As it was it took about two weeks for the roads to become solid enough for loaded teams, and then but few did get in until the rains set in again, and held on without a break that time for a full month.

As soon as the house was completed all of the party except Michigan and myself went to the Bar after supplies. We stayed so as to use one of their rockers, for our purses were empty. Our day's work panned out only ten or twelve dollars, but that made us feel independent, therefore perfectly satisfied. Jim and Andrew came back with fifty pounds or so of some excellent hard bread or sea biscuit, and the other two with a somewhat smaller quantity of flour. They also came back with a story that gave us two boys a feeling of "goneness" that was not the least bit pleas-

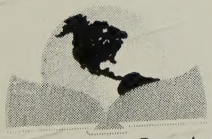
ant—and that was that there was not another pound of breadstuff to be had in Bidwell's Bar, therefore not on the river. They had heard, however, that a number of loaded teams had been stopped by the rains at the foot of the big hill, down toward Charley's Branch, a ranch which from that time on for several years figured as prominently as Marysville itself. It was about twelve miles from our camp down to the wagons. Before 10 o'clock the next morning I had found those wagons. I soon learned that men had been coming there about every day to buy back-loads of provisions, and now not a thing was to be had except a few pounds of rice, a little thin tar-soaked bacon and some Sandwich Island sugar. Then for nearly two weeks Michigan and I lived exclusively on those articles—that is, without bread of any kind. The result was I imbibed such a disgust against rice as required many years to remove. The bacon, by some accident had become tarred, as above intimated; it was thin naturally, not accidentally, so the tarry taste was quite evenly distributed through it, except that it was very good—anyway, it lasted well, and we considered the tar part eminently healthy.

Not once during the whole of this time did either of our cabin mates offer a mouthful of their bread or hardtack—a shameful fact but no less a fact as I remember it. On the contrary, the hardtack men would prepare an overflowing pan of their hardtack and eat it with a flourish and a bantering gusto as if expressly designed to remind us of their good and our ill fortune. This is the most unpleasant memory of those times. These men seemed to have a morbid fear of starving to death just then, for after that fear passed away, as well as before it came on, they did and had done many generous deeds. But in a small way, retaliation was at hand.

During those two weeks, Michigan and I bought a wagon side board, and had constructed a first-rate rocker. Our diggings paid hardly half an ounce each day—enough to make us feel perfectly independent. Rice and tarry bacon were gone. Something had to be done. On the chance that a team had got in, I went up to the Bar, and found that hope realized, and that there were several barrels of flour there, which had come down to $1.50 per pound, and other supplies at similarly reduced rates. I secured all I could carry, mostly of flour. This had been wet through and through and actually had to be dug out of the barrel with a sharp pick, and it broke out in squares as solid as chunks of chalk.

I got back to camp in short order with these treasures and was soon busy pounding on the lumps of adamantine flour for the first pan of bread. While I worked at this, Andrew was frying or stewing his usual pan of hardtack, a mess, by the way, that had already palled on his taste worse than the rice had on mine. I knew but little about bread-making, but put in plenty of saleratus on suspicion, and soon had a lot of irregular shaped "dobies" in the stove, and the latter fired up to the business notch. After this had been kept up about as long as Michigan and I—we were both superintending now—thought was about right, the "dobies" were withdrawn. We could hardly believe our eyes. Instead of the yellow solid "sinkers" we expected to see, there was a lot of as nicely raised bread as was ever seen on that river. The flour had been as sour as it well could be, hence this wonderful success. It was our turn now. Our much respected cabin mates who were eating their insipid messes caught the grateful flavor and could but show their longing for a taste. We advised them to get some good flour and we would take a day off anytime to show them how to bake wholesome bread. Also that if they did not get better food they would all die of scurvy before spring. We had lost all respect for them, and didn't care what we said, least of all to the Professor. Michigan then picked up a loaf, and dividing it into three fairly equal parts handed one to each pair. Jim at first declined to accept, but his brother filled a plate full of hard bread and gave that in exchange. This little incident, which is true in every detail, drove the "hog" out of that cabin for all time, although we all went pretty short more than once thereafter before our paths diverged so widely that we never came together again.

SANTA CLARA COUNTY FREE LIBRARY
SAN JOSE, CALIF.



Santa Clara County
LIBRARY

Renewals:
(800) 471-0991
www.santaclaracountylib.org